

BUENOS AYRES CORRESPONDENCE.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

The correspondence between G. J. Pendergrast and others and the Secretary of the Navy, in compliance with a resolution of the House of Representatives of the 4th of May last.

JUNE 17, 1846.

Read, and laid upon the table.

To the House of Representatives of the United States:

I communicate, herewith, a report from the Secretary of the Navy, accompanied with the correspondence called for by the resolution of the House of Representatives, 4th of May last, "between Commander G. J. Pendergrast and the governments on the Rio de la Plata, and the foreign naval commanders and the United States minister at Buenos Ayres, and the Navy Department, whilst or since said Pendergrast was in command of the U. S. ship Boston, in the Rio de la Plata, touching said service."

JAMES K. POLK.

WASHINGTON, June 17, 1846.

NAVY DEPARTMENT, June 16, 1846.

SIR: In compliance with the resolution of the House of Representatives, of May 4th, referred to this department, I have the honor to communicate, herewith, "the correspondence between Commander G. J. Pendergrast and the governments on the Rio de la Plata, and the foreign naval commanders and the United States minister at Buenos Ayres, and the Navy Department, whilst or since said Pendergrast was in command of the U. S. ship Boston, in the Rio de la Plata, touching said service."

A schedule of the letters comprising said correspondence is enclosed.

I am, very respectfully, your obedient servant,

GEORGE BANCROFT.

The PRESIDENT.

SCHEDULE.

Letter of Commodore Turner to Secretary of the Navy, April 9, 1845.
Commander Pendergrast to Commodore Turner, March 5, 1845.
Same to Admiral Brown, January 30, 1845.
Same to same, same date.
Same to Wm. Brent, jr., February 3, 1845.
Admiral Brown to Commander Pendergrast, February 19, 1845.
Commander Pendergrast to Admiral Brown, February 22, 1845.
Wm. Brent, jr. to Commander Pendergrast, February 11, 1845.
Commander Pendergrast to W. Brent, jr., March 1, 1845.
Commodore Turner to Secretary of the Navy, October 5, 1845.
Commander Pendergrast to Commodore Turner, September 8, 1845.
Same to Don Santiago Vasques, August 25, 1845.
Santiago Vasques to Commander Pendergrast, August 26, 1845.
Commodore Turner to Secretary of the Navy, November 12, 1845.
Commander Pendergrast to Commodore Turner, September 30, 1845.
Same to Admiral Inglefield, August 22, 1845.
Admiral Inglefield to Commander Pendergrast, August 25, 1845.
Commander Pendergrast to Admiral Inglefield, September 5, 1845.
Same to Admiral Lainé, September 5, 1845.
Admiral Inglefield to Commander Pendergrast, September 13, 1845.
Admirals Inglefield and Lainé to same, September 29, 1845.
Admiral Inglefield to same, September 23, 1845.
Commodore Turner to Secretary of the Navy, November 12, 1845.
Commander Pendergrast to Commodore Turner, September 30, 1845.
Same to Commander Pennington, September 18, 1845.
Same to same, September 29, 1845.
Commodore Turner to Secretary of the Navy, November 12, 1845.
Commander Pendergrast to Commodore Turner, October 25, 1845.
Santiago Vasques to Commander Pendergrast, October 16, 1845.
Commander Pendergrast to Admiral Inglefield, October 14, 1845.
Admirals Lainé and Inglefield to Commander Pendergrast, October 17, 1845.
Commander Pendergrast to Admirals Lainé and Inglefield, October 20, 1845.
Commodore Turner to Secretary of the Navy, November 12, 1845.
Commander Pendergrast to Commodore Turner, September 30, 1845.
Wm. Brent, jr. to Commander Pendergrast, August 30, 1845.
Commander Pendergrast to W. Brent, jr., September 30, 1845.
Wm. Brent, jr. to W. G. Ouseley, Esq., September 23, 1845.
Commodore Turner to Secretary of the Navy, November 12, 1845.
Commander Pendergrast to Commodore Turner, November 15, 1845.
Same to General Oribe, August 12, 1845.
General Oribe to Commander Pendergrast, August 16, 1845.
Commander Pendergrast to General Oribe, July 9, 1845.
General Oribe to Commander Pendergrast, August 19, 1845.
Secretary of the Navy to Commodore Turner, May 27, 1845.
Commodore Turner to Secretary of the Navy, November 12, 1845.
Commander Pendergrast to Commodore Turner, September 12, 1845.
Same to Secretary of the Navy, September 12, 1845.
Same to Commodore Turner, October 25, 1845.

Same to Admiral Lainé, October 10, 1845.

Same to Admiral Inglefield, October 10, 1845.

Same to Admirals Inglefield and Lainé, October 11, 1845.

Admiral Lainé to Commander Pendergrast, October 17, 1845.

Admiral Inglefield to same, October 17, 1845.

Commander Pendergrast to Admirals Inglefield and Lainé, October 15, 1845.

Admiral Inglefield to Commander Pendergrast, October 20, 1845.

Same to same, October 18, 1845.

Secretary of the Navy to Commander Pendergrast, February 15, 1846.

Commander Pendergrast to Secretary of the Navy, April 4, 1846.

Secretary of the Navy to Commander Pendergrast, April 14, 1846.

UNITED STATES SHIP RARITAN,
Harbor of Rio de Janeiro, April 9, 1845.

SIR: I have the honor to enclose you, herewith, a correspondence between Commander Pendergrast, of the United States ship Boston, William Brent, jr., esq., United States chargé d'affaires at Buenos Ayres, and Admiral William Brown, commanding the Argentine blockading forces off Monte Video. I approve of the course that Commander Pendergrast has pursued in this correspondence.

The partial blockade of Monte Video has existed now eighteen months, and I am not aware that the commerce of the United States has suffered in the slightest degree. Two or three of our vessels have been detained a few hours by the blockading squadron, and then permitted to pass into port with prohibited articles on board.

Flour and domestic dry goods, the principal articles of export from the United States, are not prohibited articles; and, although beef, pork, and hams are excluded, large quantities of these articles have been permitted to be carried into Monte Video by the blockading squadron; and in no one instance, that has come within my knowledge, has a vessel belonging to the United States been prevented from entering the port by the blockading forces. When I was at Buenos Ayres, three months since, a strict blockade was talked of by the Argentine government, when I frequently, in conversation with Mr. Brent, our chargé d'affaires, urged on him the importance and justice of the Buenos Ayrean government giving at least four or five months' notice before they issued such a decree, as many vessels would leave the United States with cargoes not excluded by the limited blockade, which would be an entire loss to the owners; that flour was an excluded article at Buenos Ayres also, and if excluded from Monte Video without due notice, the most profitable way of disposing of the cargo for the benefit of the owners would be to throw it into the sea, making an entire loss to the American merchant.

Admiral Lainé, the French admiral, having taken into consideration that a modified blockade had been agreed upon by the Argentine government, he would not agree to any alteration of the same, and he sent a communication to Admiral Brown to that effect; and that he would not recognise a general and strict blockade until he received further instructions from the French government on the subject; in consequence of which, Sir Thomas Paisley, the English commander, also addressed a

note to Admiral Brown, claiming for British vessels and cargoes exemptions from the operation of the strict blockade for so long a period as such exemption may be accorded to French vessels and cargoes. Commander Pendergrast, it will be seen, has written similarly to Admiral Brown on the subject. Thus the intention of the Argentine government, to place a general and impartial blockade over the port of Monte Video, has been frustrated for at least five or six months to come. Had this rigid blockade been carried into effect, the loss of foreign property at Monte Video would have been immense; for, although the Monte Videan government may be looked upon as an irresponsible one, yet it would have exercised the right of a besieged city, in seizing upon whatever goods or property became necessary for the support of the garrison, and our citizens resident at Monte Video, the greatest holders of provisions, more particularly, in addition to their former losses consequent to the present war, would have been inevitably ruined.

I regret that I differ in opinion on this important subject with our chargé d'affaires at Buenos Ayres; but I feel that I am doing that which will best promote the interests of the United States; and if the honorable Secretary of the Navy disapproves of the course that Commander Pendergrast has pursued, he being on the spot and knowing my opinions and feelings on the subject, I request that I may be informed of the same, that I may thereafter pursue the wishes of the Navy Department.

I am, very respectfully, your obedient servant,

DAN. TURNER,

Commanding U. S. squadron, Brazil station.

The Hon. JOHN Y. MASON,

Secretary of the Navy.

UNITED STATES SHIP BOSTON,
Monte Video, March 5, 1845.

SIR: I have the honor herewith to enclose a copy of a letter received from the honorable William Brent, jr., chargé d'affaires of the United States at Buenos Ayres, and my reply thereto.

On the 25th ultimo, I had the honor to transmit to you sundry copies of letters relating to the blockade of this port, and regret to say everything still remains in the same unsettled condition.

The French admiral enforces, as usual, the modified blockade against his own vessels; but I cannot discover that the Buenos Ayrean squadron molest the vessels of any nation. I think it not unlikely that the Buenos Ayrean admiral will not act further until he receives instructions from his government.

The decree of the 13th ultimo, declaring non-intercourse between Buenos Ayres and this place, has thus far had the effect to prevent all vessels from entering this port; but, should vessels arrive with freight on board for Monte Video, they will be compelled to enter here, and I presume will afterwards be excluded from the port of Buenos Ayres. This will doubtless prove highly injurious to some of our citizens, and will give them, I think, just cause of complaint; but it is a matter over which I have no control. Our chargé, Mr. Brent, I presume will take the proper steps to

protect our interests, and resent any unjust or arbitrary measures that may fall upon our commerce at the port of Buenos Ayres.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST, *Commander.*

To Commodore DANIEL TURNER,
Commander-in-chief U. S. naval forces, coast of Brazil, &c.

No. 1.

UNITED STATES SHIP BOSTON,
Monte Video, January 30, 1845.

SIR: I have the honor to acknowledge the receipt of your communication of the 16th instant, enclosing a copy of an official document from Don Felipe Arana, Minister of Foreign Affairs of the Argentine republic, declaring the ports of Monte Video and Maldonado to be in a state of rigorous blockade.

Upon the receipt of your communication, I immediately despatched an officer to assure you of my readiness to acknowledge the due enforcement of the blockade, and to maintain a strict neutral course.

I have learned since that the French admiral has refused to acknowledge the blockade as decreed in the official documents referred to, and I take the earliest opportunity to inform you that it has, in consequence, become my duty to claim for the commerce of the United States all the immunities and advantages which may be enjoyed by the commerce of any other nation.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST,
Commanding U. S. ship Boston.

Admiral WILLIAM BROWN,
*Commander-in chief of the Buenos Ayrean squadron,
off Monte Video.*

No. 2.

UNITED STATES SHIP BOSTON,
Monte Video, January 30, 1845.

SIR: In consequence of the refusal of the French admiral to acknowledge the strict blockade of this port, decreed by the government of Buenos Ayres, it has become a matter of the very last importance to know what course will be pursued towards neutral vessels by the blockading squadron under your command.

If it should be decided to resume the modified blockade, it becomes equally important to know precisely and clearly the extent and character of the restrictions to be enforced.

It will be seen, on reference to the official documents of Don Felipe Arana, Minister of Foreign Affairs of the Argentine government, that among the reasons for changing the modified into a strict blockade were

assigned the doubts respecting the prohibited articles, and the desire to avoid difficulties with friendly governments. Those reasons correspond with my views of the subject; and having been admitted by the Buenos Ayrean government, they prove, allow me to say, as a matter of common justice, the necessity that all doubts and all uncertainty connected with the blockade should be cleared up before any further restrictive measures are taken in regard to neutral vessels entering the port of Monte Video.

To add strength to the argument that all doubts respecting the blockade should be removed, permit me to advert to the fact that naval commanders, charged with the duty of preventing the entry of prohibited articles in the vessels of their respective nations, have so differently construed the modification of the blockade that they have allowed salted provisions to pass freely into the port, while American vessels have been detained by the blockading squadron for having the same on board. This state of things you must be well aware cannot be submitted to, and it is almost inevitable that the present misconception respecting the blockade will lead to difficulties which my government, as well as that of the Argentine confederation, is desirous to avoid, and I therefore ask your earliest attention to the subject.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST,
Commanding U. S. ship Boston.

Admiral WILLIAM BROWN,
*Commander-in-chief of the Buenos Ayrean squadron,
 off Monte Video.*

No. 3.

UNITED STATES SHIP BOSTON,
Monte Video, February 3, 1845.

SIR: I had the honor to receive a few days since your letter of the 17th ultimo, accompanied by two newspapers, and beg you to accept my thanks.

On the receipt of Admiral Brown's notification of a strict blockade, I immediately sent an officer to him, to say that I was ready to acknowledge it, provided it was equally enforced against all nations. Hearing, however, that the French admiral would probably not permit any change in the modified blockade, I withheld any further action in the matter until that point should be settled. As soon as I learned positively the course of the French admiral, I availed myself of the occasion to address Admiral Brown the enclosed letters, Nos. 1 and 2, for it appeared to me highly important that not a moment should be lost in bringing about a clear understanding with the blockading squadron as to the line of conduct which would be pursued towards American vessels. Such an effort became, on my part, the more imperative, inasmuch as Admiral Brown's squadron had detained an American ship off this port the day before the date of my letters. The ship in question, the Robin Hood, of Boston, was bound to the Pacific, and had put in here in distress, with the loss of the head of her foremast, and I could not permit that she should be interrupted when I knew that French and Brazilian vessels would be allowed

to come freely into port. I thereupon did not hesitate to send a boat from this ship to bring in the Robin Hood and anchor her near us. On the next day, an officer was sent to Admiral Brown to make inquiry respecting the detention of the Robin Hood, and he told the officer that it was accidental, and that he was very sorry that it had happened.

To prevent the recurrence of such *accidents*, I addressed him the letters referred to, and trust that they may be the means of removing all the doubts and perplexity which now hang over this anomalous and vexatious blockade.

Admiral Brown informed me that he would be obliged to send my letters to his government for instructions; and I have thought it advisable to place you in the knowledge of this matter, so that, in case of reference, you may be possessed of the needful information on our side of the question. In the mean time, however, a verbal understanding exists between Admiral Brown and myself that American vessels shall pass freely into port, except of course those that may have live cattle or contraband of war on board.

I also enclose copies of letters, marked A and B, which I had occasion to write when I was in command here upon a former occasion, and I beg leave to remark that I have found no cause whatever to change my views therein expressed. On the contrary, every day's experience satisfies me that I was perfectly right, and that no nation ought for one moment to permit any other to participate with the blockading squadron in the enforcement of the blockade.

Indeed, the government of Buenos Ayres itself has, I think, acknowledged this in the decree of the strict blockade; and, but that I felt under some constraint from the fact that Commodore Turner restored the blockade after it had been suspended, in consequence of its irregularity, by Captain Voorhees, I would not have allowed American vessels to have been detained and examined off this port, unless the Buenos Ayrean squadron also detained and examined in like manner French and Brazilian vessels.

From letters enclosed, you will be enabled to see the many objections to which the modified blockade was exposed, all of which continue in full force, and sooner or later will occasion new difficulties.

I have ever regarded it as an act of assumption, if not presumption, on the part of the British and French government agents at Buenos Ayres, when they undertook to say what description of blockade should be enforced against Monte Video. They had no right, I conceive, to interfere in the matter, and certainly none to impose conditions which might operate against other nations who did not choose to meddle with such questions; and what have been the consequences? The restrictions of the blockade have been construed in one way by the Buenos Ayrean squadron; in another way by the French; in another by the Brazilians; in another by the English; in another by the American commander; and in another by our citizens on shore. This may appear almost impossible to you, but I assure you that it is literally true, and has made the path of duty in this river one of extreme anxiety and difficulty; where otherwise, with our entirely neutral disposition, it would have been perfectly simple and plain.

It is true, the modified blockade proved altogether favorable to our commerce; but the manner of enforcing it subjected our flag to vexatious in-

terrutions which were not experienced by *all* other nations, and gave rise to daily collision with the blockading squadron.

Allow me to add, that the Brazilians were subsequently admitted as parties to the memorandum of the modified blockade, and that the English commander withdrew from it. Agreeably to your request I enclose a memorandum of the naval forces of different nations off Monte Video, which varies slightly, as the vessels go and come, from time to time. You will perceive that, however sufficient the Buenos Ayrean squadron may be to enforce the blockade against the Monte Videans, it is utterly incompetent against some of the foreign naval powers.

I have the honor to be, sir, very respectfully, your obedient servant,

G. J. PENDERGRAST,

Commander United States ship Boston.

To the Hon. WM. BRENT, jr.,

Chargé d'Affaires of the United States, Buenos Ayres.

No. 4.

(VIVA LA FEDERATION.)

The General-in-chief of the squadron of the Argentine Confederation,

ON BOARD THE BRIG GENERAL SAN MARTIN,

February 19, 1845.

36th year of the Liberty, 30th of the Independence, and 16th of the Argentine Confederation.

The undersigned having submitted to his excellency, the Governor and Captain General of the Province of Buenos Ayres, Brigadier General Don Juan Manuel Rosas, the two notes which you directed to the undersigned, the one recognising the rigorous blockade of the port of Monte Video, and claiming immunities equal to those which are authorized to the other nations, and the other referring to the arbitrary interpretation which each commanding naval officer puts upon the partial blockade, and to the momentary detention of one or two American vessels with some barrels of salt beef on board, for which reasons you asked an explanation respecting the partial blockade in order to avoid, for the future, questions which might arise between both governments: In reply to the said notes, the undersigned has received orders to say to you "that the Argentine government cannot recognise any right in you to claim in favor of the commerce of the United States the immunities and advantages which may be enjoyed by the commerce of any other nation with the port of Monte Video, declared in absolute and rigorous blockade, because the French admiral may have refused to recognise the said blockade; that the injustice of the said admiral, and the abuse of the force which the government of A. M. has placed under his orders, cannot found a right in any other commandant to constitute himself an imitator of an offensive proceeding which violates the right of others; that the position in which you place yourself is contradictory, for it is not possible for you to sustain the neutrality

which you manifest a desire to respect, and yield observance to the right of blockade which belongs to the Argentine government as belligerent, when on the other side you solicit to be allowed to continue the usual and common commerce, the place being able to provide itself with abundant provisions to sustain itself; that, by your claim of these immunities because the commander of the French naval forces, in violation of the principles of war and the rights of neutrality, has undoubtedly refused his acquiescence in the blockade, and by your refusal to recognise that belligerent right of the Argentine government, you have abandoned your neutral character and constituted yourself belligerent; that if, for the sake of the insignificant benefit of that portion of American commerce which is carried on with the place of Monte Video, you abandon those principles which govern between belligerents and neutrals, you compromise American interests of more value in the river Plate, and cause the commerce of the United States immense losses and injuries by the unjustifiable position which you assume, imitating the pernicious example of the admiral; and thereby, also, prolonging the calamities of the war, and taking part in the new fatal era, fertile in blood and desolation, which his excellency, the admiral, opens in these countries. The certain injuries are more imminent and extensive which are suffered by neutral commerce, and consequently by that of the United States, under circumstances which, the absolute blockade being established, so calamitous a prospect would disappear. That it cannot be comprehended how a commanding officer of the navy of the United States can be found offending against the sovereignty and independence of another American state, and depriving her of a right essential to her as a belligerent, because the admiral of the French naval forces has done so, pretending to submit it and make it subject to the government of his nation; and, finally, that the injustice and abuse of the said French admiral does not absolve you from the strict right which is incumbent upon you to observe the most religious impartiality not to mingle in any manner in the war, to respect the rights of the belligerents in all their extension, and to avoid all that might disturb the relations of perfect intelligence which happily exist between both governments.

As to the explanations which you ask respecting the partial blockade, to avoid, for the future, questions which might arise between both governments, the undersigned expects orders in due time from his government, after you may have been pleased to reply to and instruct the undersigned as to your ultimate resolution in relation to the absolute and rigorous blockade of Monte Video.

Finally, in force of the unanswerable considerations which are exposed, the undersigned finds himself in the unavoidable duty of protesting solemnly against the inadmissible and offensive position which you have assumed after recognising the absolute blockade, and manifesting a desire to observe a strict neutrality, on account of the fatal consequences which may result in these countries as well to the persons and properties of neutrals, as to the natives of these republics; by the great damages in which you involve all, by the immense loss of blood to which the prolongation of the war conduces, and by that which it establishes between the United States and the Argentine republic; offending, unmeritedly, against her sovereign independence, and denying the belligerent

right of her government, put in exercise in the war she sustains against the intrusive government of Monte Video, and the Unitarian savages.

The Lord preserve you many years.

WILLIAM BROWN.

To the COMMANDER of the *U. S. corvette Boston*,
Don Gregoria J. Pendergrast.

No. 5.

UNITED STATES SHIP BOSTON,
Mote Video, February 22, 1845.

The undersigned, commander of the United States ship Boston, has the honor to acknowledge the receipt of Admiral Brown's letter of the 19th instant.

The undersigned regrets to say that he finds the communication referred to written in a tone and spirit so dictatorial and inadmissible, as to preclude him from replying thereto, until he can be assured that there was no intention on the part of Admiral Brown, or his government, under whose orders he has acted, to offend against those rules of propriety which should ever be observed in the official communication between the officers of friendly nations.

The undersigned is responsible to his own government alone for his official acts, and cannot admit the right or propriety of any foreign officer or government to dictate to him a particular course of conduct.

The undersigned feels confident that it is only necessary to call the attention of Admiral Brown to the objections felt by the undersigned to the communication in question, that these objections may be removed, and the undersigned left at liberty to reply to the communication.

The undersigned has the honor to be, with great consideration, Admiral Brown's obedient servant,

G. J. PENDERGRAST.

To Admiral WILLIAM BROWN,
Commandant-in-chief of the Buenos Ayrean
squadron off Monte Video.

LEGATION OF THE UNITED STATES,
Buenos Ayres, February 11, 1845.

SIR: On the 4th instant the Minister of Foreign Affairs here, M. Arana, furnished me with your letters of the 30th January, 1845, to Admiral Brown, commander-in-chief of the Argentine squadron off Monte Video.

It was pleasing to see what you say in your first letter to Admiral Brown. The passages to which my remark is applied are as follows:

"Upon the receipt of your communication, I *immediately* despatched an officer to assure you of my readiness to *acknowledge* the due enforcement of the *blockade*, (rigorous,) and to *maintain a strict neutral course*.

"I have learned since, however, that the French admiral has refused to recognise the blockade, as decreed in the official document referred to, and I therefore take the earliest opportunity to inform you that it has in

consequence become my *duty to claim* for the commerce of the United States all the immunities and advantages which may be enjoyed by the commerce of any other nation."

The great importance of the position you have taken, under a sense of duty, to maintain a strict neutrality, and to claim for the commerce of the United States all the immunities and advantages which may be enjoyed by the commerce of any other nation, causes me to address you this letter.

Immediately on the receipt of the notification of the 11th January, 1845, of Don Felipe Arana, Minister of Foreign Affairs of the Argentine republic, declaring the ports of Monte Video and Maldonado under a strict blockade, I forthwith enclosed that notification to the Secretary of State of the United States at Washington. I have informed him that I had an interview with the Minister of Foreign Affairs here, in which I mentioned to him that I had transmitted to the government of the United States, immediately on its receipt, his notification of the 11th ultimo of the strict blockade; and I had no doubt but that the United States would acknowledge its validity, and consider it "as a friendly notification" to them, in order that they might make the necessary arrangements for the discontinuance of all commerce with such blockaded port.

Such I have no doubt will be the position taken by the government of the United States when it receives the notification of the strict blockade; such was your position immediately on receiving Admiral Brown's communication of the 16th instant, (January, 1845;) such, too, was mine when I first received the first notification; such, too, to a great extent, will be the position of the merchants of the United States when notified by the Department of State to make the necessary arrangements for the discontinuance of all commerce with (this) such blockaded port.

But when I received information that the French admiral Lainé would not acknowledge the validity of the strict blockade, it became my duty to examine my position of strict neutrality, and to determine for myself whether the refusal of a mere officer would justify me in taking another position different from that announced to the Department of State and to the Argentine government here.

After an examination, according to the best lights which I have had on this most interesting subject, I now communicate my views to you with the utmost frankness, and shall be happy to receive any communication from you in relation to them.

At the moment when Admiral Lainé received notice of the strict blockade of Monte Video and Maldonado, France, to all outward appearances, was neutral. Buenos Ayres was belligerent. Of the right of a belligerent to put a blockade (where the force is adequate) there is no question. There has been no question where the place is also besieged by land.

Monte Video is besieged by land; and as far as the belligerents within are concerned, Buenos Ayres has an adequate force to blockade it by water. Such, sir, I infer to be your opinion; otherwise you would scarcely have acknowledged the strict blockade at first.

When a belligerent is besieging and blockading a town, and a neutral power employs a force so as to compel an entrance for their commerce, can this then be deemed a neutral? If this be assented, let us examine this position.

To yield obedience to the undoubted belligerent right of blockade, (in the sense in which the terms are here employed,) and to use the force of

national ships to continue to carry on an accustomed commerce, (and now, most probably, an augmented one,) which may supply the blockaded town with men, money, and provisions, so as to cause the place to hold out; can this also be deemed a strict neutrality?

To yield obedience to and resist an undoubted right are, then, the same thing. This is an absurdity too glaring to be admitted.

Where, then, a neutral shall refuse to acknowledge this undoubted belligerent right, and to yield obedience to it, they lose their character of neutrality and become belligerent.

France, then, as far as the conduct of Admiral Lainé can do it, has ceased to be neutral. And he has done this as a mere naval officer, without any orders from his government, and has placed the forces of France off Monte Video in a state of war.

His government may, or may not, recognise the validity of his act. He acts upon the bare presumption that his sovereign may approve his act. It is a dangerous doctrine to vest in a mere executive officer a power to make war upon a foreign State upon presumption. Authority of the greatest weight and reason is opposed to such a principle. Again, it is not certain that the government of France will recognise the act of Admiral Lainé, to prevent the execution of the strict blockade, he having received no instructions to do so. It is fair to presume that France, acknowledging the government of Buenos Ayres as an independent government, can scarcely refuse to it the right of blockade, in a legitimate sense, as set out above.

Admiral Lainé has, then, placed himself and his forces, upon a bare presumption, in a state of war against a weak belligerent, expending an immense amount of blood and treasure by land and sea, in the exercise of an undoubted right.

And now this question presents itself—Can the forces of the United States off Monte Video place themselves in the same belligerent position of Admiral Lainé, and continue to preserve “a strict neutral course?” I should answer, upon the reasoning above, that the forces of the United States ought not to put themselves in the attitude of Admiral Lainé; that they cannot do it and maintain a strict neutral course.

What, then, are the United States to do? Before this question can be properly answered, it may be necessary to look at some considerations not strictly applicable to the right of the blockade.

Suppose, for a moment, that this government, not having force to carry out and continue the strict blockade, as far as the strong and opposing (and belligerent) neutral nations shall obstruct it, shall exercise some one of the following powers:

1st. Recommend their people to abstain from all trade with these opposing nations, and that their people shall refrain from using any of their manufactures.

2d. A non-intercourse with all such nations.

3d. A non-importation.

4th. An embargo.

Can we deny or resist the exercise of any such analogous rights? When we were not willing to go to war with the powerful nations of Great Britain and France, we adopted, at various times, every modification of these principles. We have done this from our earliest resistance to British wrongs, until the moment we declared war against that haughty na-

tion. These are pacific weapons for the weak against the strong. We have used them freely, without stint. To deny this would show some curious and sinister bias, and a total ignorance of the whole history of the United States upon their unquestioned rights. These weapons were never deemed belligerent; they were to prevent war.

And for your advisement, sir, I tell you that the government of Buenos Ayres will probably adopt some such course. This intimation I have received in a manner entitling it to great credit, but which I am not at liberty to specify to you.

If, then, some of these measures, or some modification of them, be adopted, what will be its effect—1st, upon the whole trade of the United States in the waters of the La Plata? 2d. What will be the influence of this state of things upon the objects which the United States have in sending me here?

The first inevitable consequence must be to prohibit, or at least to materially cripple, the commerce of our fellow-citizens in all the waters of the La Plata.

The second consequence seems equally inevitable—to postpone, if not greatly to jeopard all the objects which the United States have proposed to themselves by sending a chargé d'affaires here; which are, to cultivate an amicable understanding, to settle certain claims of our citizens of long standing, and a treaty with this government.

Since writing the above, I have in charge from General Rosas, the governor of the province of Buenos Ayres, to say that not only some such measures as these will be adopted, but any others which may be required by the frequent aggressions which have been made against the sovereignty, independence, and dignity of this republic.

I entreat you then, sir, to review your position; to examine the facts and views which I have thus given you. Resume, then, your first position, until you can get orders to take the position you now occupy. The statements which I make to you, in regard to what I am assured will be the action of this government, are given in strict confidence. I am only privileged to communicate them to you, to Commodore Turner, and to our minister plenipotentiary at Rio.

Once more, sir, in conclusion: weigh well the small remnant of American trade at Monte Video, with the great principles of neutrality which I have endeavored to enforce, and with our whole trade with the La Plata, and the objects of mission here.

Please to communicate to me your views; they will be highly acceptable. I have thought it proper to intrust this despatch to J. M. Moss, esq., a most intelligent and respectable countryman of ours, who is well acquainted with my views on these important topics. Permit me to introduce him to you.

With sentiments of great respect, I am your obedient servant,
WM. BRENT, JR.

Commander G. J. PENDERGRAST,
U. S. ship Boston, off Monte Video.

P. S.—I am also authorized to state to you, on the authority of N. E., the governor, that within a few days after the receipt of this a letter will be addressed to you by Admiral Brown, as well as to all commanders of

foreign stations off Monte Video, who have not recognised the blockade, requiring them to define distinctly their positions, and on whose answers the action of this government will be based. I herewith enclose a memorial of American captains for your information.

W. B. JR.

UNITED STATES SHIP BOSTON,
Monte Video, March 1, 1845.

SIR: I had the honor to receive, by the hands of Mr. Moss, your communication of the 11th ult., relating to the blockade of this port.

After having given the subject the deliberate consideration which its importance demands, I am constrained to say that I can find no good reason for changing the position I have taken.

I was at first, and am still, prepared to respect the strict blockade, provided it be enforced equally against all nations; but if, however, Buenos Ayres fails from any cause (and it matters not what that cause may be) to carry it into effect against all nations, I am in duty bound to claim for the commerce of the United States all the immunities and advantages that may be enjoyed by the commerce of any other country.

This position is perfectly plain and simple, and involves no inconsistency whatever. My course has been strictly neutral, but I was not unmindful of what was due to the commerce of the United States when I found Buenos Ayres failing to enforce the blockade in such a manner as to require submission to it from neutrals.

Buenos Ayres, in her argument to establish her belligerent right to the blockade, which I, at least, have never questioned, seems to have lost sight of a most important condition coupled with the exercise of that right, namely, that she must have the force and power to resist effectively all opposition. The failure, on her part, to maintain her belligerent right against the opposition of the French naval force, gives rise at once to the neutral right fully as sacred and important as the belligerent right of Buenos Ayres. No exceptions are authorized under the laws of nations in favor of particular nations. All must be effectually and equally excluded by the blockading force, or the blockade cannot be respected. So well am I satisfied on this point, that were I to suffer our vessels to be excluded from this port, under existing circumstances, I think I would be held to strict account by my government for any injuries which our citizens might thereby sustain.

Buenos Ayres, in contending for her belligerent rights, ought at the same time to bear in mind her own obligations and the rights of neutrals. When she does so, she will find that the American commander has claimed nothing more than he was justly entitled to, and that he ever has maintained, and still occupies, a strict neutral position.

I cannot allow myself to be influenced by the intimation that, for the sake of the insignificant portion of American commerce with the port of Monte Video, more important interests in the river of Plata are jeopardized. I have endeavored to act throughout upon the general principles of right, not upon considerations of mere expediency; and feeling confident that such a course will be approved by my own government, I am under no uneasiness respecting the opinions of other governments upon the subject.

On the 19th ult. I received from Admiral Brown a highly objectionable communication relating to my course in connexion with the strict blockade, and I felt it to be my duty to return the answer which you will find herewith enclosed. I would send a copy of the communication, but I presume it has been furnished you already by the Buenos Ayrean government.

I have the honor to be, with great consideration and respect,
G. J. PENDERGRAST,
Commanding the U. S. ship Boston.

HON. WILLIAM BRENT, jr.,
Chargé d'Affaires of the United States, Buenos Ayres.

UNITED STATES SHIP RARITAN,
Harbor of Rio de Janeiro, October 5, 1845.

SIR: I have the honor to enclose you, herewith, copies of a correspondence between his excellency Santiago Vasques, Minister of Foreign Affairs at Monte Video, and Commander Pendergrast, of the United States ship Boston. The firing from Rat island appears to have been a mistake, and the explanation given by the Minister of Foreign Affairs I trust will be satisfactory to the honorable the Secretary of the Navy.

I am, very respectfully, your obedient servant,
DAN. TURNER,
Commanding U. S. Squadron, Brazil station.

The Hon. GEORGE BANCROFT,
Secretary of the Navy.

UNITED STATES SHIP BOSTON,
Monte Video, September 8, 1845.

SIR: I have the honor to transmit a copy of a letter addressed by me to the Monte Videan government, and its reply.

The circumstances which led to this correspondence evidently arose from an oversight, and I considered the explanation satisfactory.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST, Commander.

Commodore DAN. TURNER,
*Commander-in-chief U. S. naval forces,
 Coast of Brazil.*

UNITED STATES SHIP BOSTON,
Monte Video, August 25, 1845.

SIR: The undersigned, commander of the United States ship Boston, regrets to inform your excellency that a most unpleasant occurrence has this day taken place, which, in a moment of surprise and excitement, might have led to serious results.

The occurrence referred to is this: Having been in the practice, for the

last year or eighteen months, of sending boats from this ship to the beach at the upper part of the bay, without any interruption, and not being aware of any prohibition of the practice, a boat was despatched this morning for sand, and, when approaching the beach, was, to the great astonishment of the undersigned, fired at by the fort on Rat island. An officer was immediately despatched to demand an explanation of such extraordinary conduct, who was informed by the commandant of Rat island that he fired at the boat in obedience to orders from his government, based upon a late decree prohibiting boats to land at the upper part of the bay. This explanation was entirely satisfactory, as far as related to the officer at Rat island; but the undersigned feels constrained to say that he has strong reasons to complain that such an order should have been issued without having given notice of the decree, and he therefore begs to call the serious attention of the government to what has taken place.

The undersigned is ready, at all times, to comply most cheerfully with all restrictions which any of the parties to this unhappy war may consider it expedient to place upon his command in common with all other national vessels, but he is not prepared to submit to any thing bearing the semblance of an indignity.

The undersigned avails himself of this opportunity to renew to your excellency the assurances of the high consideration with which he has the honor to be your excellency's obedient servant,

G. J. PENDERGRAST.

His Excellency DON SANTIAGO VASQUES,

Minister of State and Foreign Affairs

of the Oriental Republic of Ureaguay.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,

Monte Video, August 26, 1845.

The undersigned, Minister of Foreign Relations, has the honor to address himself to the commandant of the United States corvette Boston, in reply to his note of the previous day in relation to an incident which occurred on the island "de la Libertad" with a boat of the above-named corvette, and to inform him that, under date of yesterday, by order of the government, he sent a communication to the consul of North America, informing him, that he might make known to the commandant, that all communication with the enemy's camp had been prohibited, as a consequence of the decree of the 19th instant, which established the absolute blockade of all the ports and coasts of the republic occupied by the invading army. Probably in consequence of bad weather, or other causes, the island received orders in reference to the disposition of the government before the señor commandant received advice from the consul, and this must have been the reason of the circumstance contained in the note which the undersigned has the honor to acknowledge.

The señor commandant may rest assured that an unforeseen casualty could have alone detained the boat on the island, and the government hopes that, convinced of that fact, he will not see in it any want of consideration which the authorities owe to the flag of the United States—

trusting to preserve the good understanding which has hitherto existed between the government of this republic and that of the Union.

The undersigned salutes the señor commandant with his most distinguished consideration and attention.

SANT. VASQUES.

UNITED STATES SHIP RARITAN,
Monte Video, November 12, 1845.

SIR: I have the honor herewith to enclose a copy of a correspondence between Commander G. J. Pendergrast, of the United States ship Boston, and Rear Admirals Inglefield and Lainé, during my absence from the Rio de La Plata.

I have the honor to be, very respectfully, sir, your obedient servant,
DAN. TURNER,
Commanding U. S. Squadron, Brazil station.

The Hon. GEORGE BANCROFT,
Secretary of the Navy.

UNITED STATES SHIP BOSTON,
Monte Video, September 30, 1845.

SIR: I have the honor herewith to transmit copies of a correspondence which has taken place between the British and French admirals and myself, in relation to the blockade of the ports of the republic of Uruguay.

It will be seen that the admirals refuse to grant what I conceive a reasonable demand on the part of neutrals, to be allowed more time to remove their property, and consequently some injury and loss will be sustained; but, I believe, not very great in amount. Under the circumstances, however, I have thought it judicious and proper to protest against the proceedings of the admirals. It can do no harm, and will serve to place the claims of our citizens on a fair footing, should it be determined hereafter that the course of the admirals has been unnecessarily rigorous or improper.

The joint letter of Admirals Inglefield and Lainé, I am sorry to say, is far from being a satisfactory answer to mine of the 5th instant. I fear their perception of the rights of neutrals is not very clear at this time, and that they are far from considering themselves bound by the same rules now that governed them when they, as neutrals, were opposing the belligerent rights of Buenos Ayres.

By the notification enclosed, marked A, you will perceive that they have just declared the *whole coast* of the province of Buenos Ayres under blockade. This, I believe, is considered inadmissible at the present day—by our government at least—and I shall therefore protest against it.

With reference to the validity of the present blockade, imposed by the English and French in the Rio de La Plata, I do not feel myself called upon to decide, and shall leave that point to be determined by yourself or our government; but, in the mean time, I will not fail in my efforts to protect our citizens from all the injury I can, and will not hesitate to remonstrate with the blockading powers whenever I discover them departing in

the slightest degree from the principles which our government has contemplated for in the enforcement of blockades.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST,
Commander.

Commodore DANL. TURNER,
*Commander-in-chief U. S. naval forces,
Coast of Brazil, &c.*

UNITED STATES SHIP BOSTON,
Monte Video, August 22, 1845.

SIR: On the 4th of this month I had the honor to receive your verbal notification of the blockade of the port of Bucoo, and of your intention to blockade all the other ports of this republic which were or might be in possession of the troops of Buenos Ayres, and that neutrals would be allowed until the 12th instant to remove their property from the Bucoo.

On the 18th instant I received a second verbal notification that her Britannic Majesty's ship Comus had been sent to blockade Maldonado, and that *three* days would be allowed neutrals to remove their property.

I have no precise information of the condition of the citizens of the United States at Maldonado, or of the amount of their property at that place, but I am satisfied that the time allowed for its shipment must prove altogether too short to be of any advantage to them. I feel the more concerned on this point from having been informed to-day that one of my countrymen has property at the Bucoo which he would have taken away if he had been allowed sufficient time. The person referred to happened to be at Buenos Ayres at the time the blockade was declared; and, although he promptly gave orders for the shipment of his merchandise, the orders were not received until after the 12th.

I am induced to place this subject before you at this early period in the hope that instructions may be given to prevent any unnecessary loss or embarrassment to the citizens of the United States who may be under the necessity of withdrawing their property from the blockaded ports; as I feel confident that it cannot be any part of the object of the commanders of the blockading forces to injure or embarrass the citizens of neutral nations.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST,
Commander United States ship Boston.

Rear Admiral INGLEFIELD,
*Commander-in-chief of her Britannic Majesty's naval forces,
Rio de La Plata.*

HER MAJESTY'S SHIP "EAGLE,"
Off Monte Video, August 25, 1845.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant on the subject of the blockade of the ports of the Bucoo and

Maldonado, by the vessels of the squadrons under the respective command of Rear Admiral Lainé and myself; and, in reply, I regret to inform you that it has been determined no further extension of time in favor of neutrals can be granted consistently with the objects we have in view, and I am obliged therefore to decline making any alteration in the orders of the blockading vessels.

I have the honor to be, sir, your most obedient servant,

S. H. INGLEFIELD,

Rear Admiral and Commander-in-chief.

To Commander PENDERGRAST,

United States ship "Boston."

UNITED STATES SHIP BOSTON,
Monte Video, September 5, 1845.

The undersigned, commander of the United States ship Boston, has had the honor to receive Rear Admiral Inglefield's letter of the 25th ultimo, in reply to the communication of the undersigned in relation to the blockade of Maldonado and the Buceo.

The undersigned, in the communication referred to, had the honor to urge upon Rear Admiral Inglefield that the *three* days allowed to neutrals to withdraw their property from Maldonado was entirely too short a time to be of any service to them, and the undersigned has to express his regret that it had been determined by Rear Admirals Inglefield and Lainé that no further extension of time in favor of neutrals could be granted consistently with the objects in view.

The undersigned begs leave now to inform Rear Admiral Inglefield that the difficulties anticipated have actually arisen, inasmuch as the undersigned has been appealed to by citizens of the United States for aid in obtaining an opportunity to remove their property from Maldonado. The property in question being of a perishable nature, must necessarily be entirely lost to the owners if they cannot ship it to a market before the approaching warm season.

The undersigned feels it to be his duty to place the subject again before Rear Admirals Inglefield and Lainé for their serious consideration, in the hope of obviating the necessity of a formal protest and a reference of the matter to the governments of the United States, Great Britain, and France. The undersigned considers that he would be unmindful of his duty to the citizens of his country, were he to appear to lend his sanction, by his silence or otherwise, to the course which Rear Admirals Inglefield and Lainé have deemed it expedient to pursue, in denying to neutrals a reasonable time to remove their property from the blockaded ports; and he cannot refrain from contrasting the course of the British naval commander off this place in January last, when a strict blockade of Monte Video was declared by Buenos Ayres, with the present course, when the position is changed from neutrals to blockaders.

Sir Thomas Pasley, at that time, not only insisted that it would be necessary to defer the operation of the blockade in favor of British subjects, but "that it became necessary for him to claim indemnification for any losses to which British subjects may be subjected in consequence of the

proposed rigorous blockade with respect to British vessels, or to vessels containing British property from beyond seas, which may have left the port of departure before the receipt of the intelligence of the rigorous blockade in lieu of the modified blockade hitherto enforced."

The undersigned fully appreciates the solicitude of Sir Thomas Pasley to secure the subjects of Great Britain from losses, and the conduct of that officer on that occasion admonishes the undersigned to be equally vigilant and zealous in his endeavors to prevent similar losses at the present time to the neutral citizens of the United States.

The undersigned has also been appealed to by citizens of the United States interested in the commerce of the Rio de La Plata, for information to guide them in the management of their business under existing circumstances, and to enable them to avoid difficulties with the naval forces engaged in the present hostilities.

The squadron of Buenos Ayres has been captured by the British and French naval forces, and the town of Colonia has been attacked and taken by them, in concert with the squadron of Monte Video, without the promulgation of any manifesto or other public declaration of the object in view, or the course to be pursued; and as it is publicly known that Monte Video is at war with Buenos Ayres, and that all vessels bearing the Buenos Ayrean flag are liable to capture by them, it has become a matter of great importance to neutrals to know what course will be pursued by the British and French forces with respect to Buenos Ayrean vessels carrying neutral property.

The undersigned begs leave to offer a few general observations in relation to the blockade which now exists, and which may hereafter be imposed by the British and French naval forces on the Rio de La Plata; and in so doing he hopes to arrive at a clear understanding on points which are likely to arise, and to avoid thereby all difficulty and collision.

In the first place he would observe, that the right and authority of the parties declaring a blockade should be fully and clearly established.

Secondly. That the ports or points blockaded should be distinctly specified and defined.

Thirdly. That no entire coast can be considered blockaded.

Fourthly. That in all cases wherein it can be done without manifest detriment to the blockading power, due and formal notice should be given, and a reasonable time allowed to neutrals to withdraw their property.

Fifthly. That no port or point can be considered blockaded unless there be a sufficient naval force present off the place to render it dangerous to a vessel to attempt to pass in.

Sixthly. That a neutral vessel arriving at a blockaded port or place must first be warned off, and the register endorsed, and shall not be liable to further detention or molestation, unless she attempts again to enter the blockaded port or place.

The undersigned has thus endeavored to embody the principles applicable to the present blockade, as they presented themselves to his mind. They appear to him to be fair and equitable, and he believes them to be so considered at the present day. He feels very confident that the government of the United States will urge them as the rule of action in all cases wherein their citizens and their property may be concerned, and will insist upon indemnification for any losses that may be sustained by their citizens from the blockading forces by a departure from these principles.

The undersigned begs leave to state, in conclusion, that the only question which has yet demanded his interposition is, whether the time allowed to neutrals to withdraw their property from the Buceo and Maldonado was reasonable and sufficient; and he is constrained to say that, inasmuch as it applies to citizens of the United States, it does not appear reasonable or sufficient; and he would therefore again urge upon Rear Admiral Inglefield a further consideration of the subject; and has the honor to be Rear Admiral Inglefield's most obedient servant,

G. J. PENDERGRAST.

To Rear Admiral INGLEFIELD,

*Commander-in-chief of H. B. Majesty's naval forces,
Rio de La Plata.*

UNITED STATES SHIP BOSTON,
Monte Video, September 5, 1845.

The undersigned, commander of the United States ship Boston, had the honor to address, on the 22d ultimo, to Rear Admiral Inglefield, a communication on the subject of the blockade of the Buceo and Maldonado by the naval forces of France and Great Britain, urging that the time allowed to neutrals to withdraw their property was entirely too short to be of any service to them. In reply, Rear Admiral Inglefield states that "it had been determined no further extension of time in favor of neutrals can be granted, consistently with the objects we have in view."

The undersigned has now the honor to inform Rear Admiral Lainé that the difficulties anticipated have actually arisen, inasmuch as the undersigned has been appealed to by citizens of the United States for aid in obtaining an opportunity to remove their property from Maldonado. The property in question being of a perishable nature, must necessarily be entirely lost to the owners if they cannot ship it to a market before the approaching warm season.

The undersigned feels it to be his duty to place the subject again before Rear Admirals Lainé and Inglefield for their serious consideration, in the hope of obviating the necessity of a formal protest, and a reference of the matter to the governments of the United States, France, and Great Britain.

The undersigned considers that he would be unmindful of his duty to the citizens of his country were he to appear to lend his sanction, by his silence or otherwise, to the course which Rear Admirals Lainé and Inglefield have deemed it expedient to pursue, in denying to neutrals a reasonable time to remove their property from the blockaded ports; and he cannot refrain from contrasting the view of this question taken by the Baron de Mareuil, in his note of the 27th March last, with that adopted now, when the position is changed from neutrals to blockaders. The Baron de Mareuil, in his note to the Argentine government of that date, expresses his confidence that in imposing the strict blockade of Monte Video, they will grant sufficient time for French vessels to sail, and for the natives of France to withdraw themselves and their property. The views which animated the Baron de Mareuil and Rear Admiral Lainé to guard the natives of France against losses at that time, operate with equal force upon

the undersigned to protect his countrymen from similar losses at the present.

The undersigned has also been appealed to by citizens of the United States interested in the commerce of the Rio de La Plata, for information to guide them in the management of their business under existing circumstances, and to enable them to avoid difficulties with the naval forces engaged in the present hostilities.

The squadron of Buenos Ayres has been captured by the British and French naval forces, and the town of Colonia has been attacked and taken by them, in concert with the squadron of Monte Video, without the promulgation of any manifesto or other public declaration of the object in view, or the course to be pursued; and as it is publicly known that Monte Video is at war with Buenos Ayres, and that all vessels bearing the Buenos Ayrean flag are liable to capture by them, it has become a matter of great importance to neutrals to know what course will be pursued by the French and British forces with respect to Buenos Ayrean vessels carrying neutral property.

The undersigned begs leave to offer a few general observations in relation to the blockade which now exists, and which may hereafter be imposed by the French and British naval forces in the Rio de La Plata; and in so doing, hopes to arrive at a clear understanding on points which are likely to arise, and to avoid thereby all difficulty and collision.

In the first place, he would observe that the rights and authority of the parties declaring a blockade should be fully and clearly established.

Secondly, that the ports or points to be blockaded should be distinctly specified and defined.

Thirdly, that no entire coast can be considered blockaded.

Fourthly, that in all cases wherein it can be done without manifest detriment to the blockading power, due and formal notice should be given, and a reasonable time allowed to neutrals to withdraw their property.

Fifthly, that no port or point can be considered blockaded unless there be a sufficient naval force present off the place to render it dangerous for a vessel to pass in.

Sixthly, that a neutral vessel arriving at a blockaded port or place must first be warned off, and the register endorsed, and shall not be liable to further detention or molestation unless she attempt again to enter the blockaded port or place.

The undersigned has thus endeavored to embody the principles applicable to the present blockade as they presented themselves to his mind. They appear to him to be fair and equitable, and he believes them to be so considered at the present day. He feels very confident that the government of the United States will urge them as the rule of action in all cases wherein their citizens and their property may be concerned, and will insist upon indemnification for any losses that may be sustained by their citizens from the blockading forces by a departure from these principles.

The undersigned begs leave to state, in conclusion, that the only question which has yet demanded his interposition is, whether the time allowed to neutrals to withdraw their property from the Buceo and Maldonado was reasonable and sufficient; and he is constrained to say that, inasmuch as it applies to citizens of the United States, it does not appear

to be reasonable or sufficient, and he would, therefore, again urge upon Rear Admiral Lainé a further consideration of the subject; and
Has the honor to be Rear Admiral Lainé's most obedient servant,
G. J. PENDERGRAST.

TO REAR ADMIRAL LAINE,
Commander-in-chief of the naval forces of France, Rio de La Plata.

HER MAJESTY'S SHIP VERNON,
Off Monte Video, September 13, 1845.

SIR: On my return to this anchorage on the 11th instant, I had the honor of receiving your letter of the 5th instant relative to the blockade of Maldonado, &c.; and, as you therein address Rear Admiral Lainé as well as myself, I must defer replying fully to your communication till I have an opportunity of conferring with that officer on the subject of its contents.

I am in daily expectation of Rear Admiral Lainé's arrival.

I have the honor to be, sir, your obedient servant,

S. H. INGLEFIELD,
*Rear Admiral and Commander-in-chief
of the British naval forces on the river Plate.*

TO Commander G. J. PENDERGRAST,
United States ship Boston.

OFF MONTE VIDEO, September 29, 1845.

The undersigned, rear admirals and commanders-in-chief of the respective French and British naval forces in the river Plate, having given the subject of the note, dated the 5th instant, addressed by Commander Pendergrast of the United States ship Boston to Rear Admiral Inglefield, relative to the blockade of the Buceo and Maldonado, their most serious consideration, have the honor to inform Commander Pendergrast that, notwithstanding their earnest desire to obviate the necessity of a formal protest against their proceedings, and much as they must of course regret that neutrals should suffer losses from any acts which take place under their direction, yet, as such losses are necessarily incidental to a state of hostility, they cannot admit that the reasons adduced by Commander Pendergrast are of sufficient weight to induce them, consistently with the objects they have in view, to alter the determination they have already come to not to permit any vessels to depart from the ports in question, as the term granted for the departure of neutrals had expired.

As the law of blockade does not recognise the necessity of any time being allowed to neutrals to withdraw their property, except such as may have actually been shipped before the blockade commenced, and as the time granted has been purely a matter of favor to neutrals, the undersigned are at a loss to understand on what ground the government of the

United States could insist upon indemnification for any losses that the citizens of that country may have sustained by reason of the said blockade.

The undersigned beg to remark to Commander Pendergrast, with reference to the course adopted by Captain Sir Thomas Pasley, in January last, on the occasion of a strict blockade of Monte Video being declared by Buenos Ayres, that there appears to be no analogy between that and the present question; and, therefore, the line of conduct so judiciously pursued by Sir Thomas Pasley can have no influence over their present determination as to the blockades under discussion.

With respect to *bona fide* neutral property on board Buenos Ayrean vessels, it is to be presumed, in the absence of any positive decision on this particular question, that the governments of France and Great Britain would deal with it according to the practice which has hitherto prevailed in the admiralty courts of those countries in cases of such a nature.

The official notification published by the Oriental government on the 27th instant, relative to merchant's vessels arrived from Uruguay, together with the orders given by the undersigned to the officers under their command in accordance with the said notification, must sufficiently prove to Commander Pendergrast that the undersigned are earnestly desirous of dealing with *bona fide* neutrals as favorably as possible.

It being the intention of the undersigned to enforce any blockade which may be established strictly in accordance with what they believe to be the recognised law in such cases, it appears to the undersigned that no object would be gained in opening a discussion with Commander Pendergrast as to what are the principles applicable to the present blockades.

Further, the undersigned beg to call the attention of Commander Pendergrast to the fact that, on the 1st of August last, her Britannic Majesty's chargé d'affaires, the consul of France, and the undersigned, intimated to the foreign consuls and to the officers commanding foreign naval squadrons at Monte Video, that *all* the ports in the possession of General Oribe would be blockaded by the French and English forces.

The undersigned avail themselves of this opportunity to assure Commander Pendergrast of their high consideration.

L A I N E.

S. H. INGLEFIELD.

A.

H. M. SHIP VERNON,

Off Monte Video, September 23, 1845.

SIR: I have the honor to announce to you that, in conformity with a declaration which the plenipotentiaries of the mediating powers addressed to the government of Buenos Ayres on the 18th instant, and which was delivered to them on the 20th instant, a blockade of the ports and of the coasts of the province of Buenos Ayres, by the vessels of the British and French squadrons, will commence to-morrow morning, the 24th instant.

The term of fifteen days has been granted for the departure of neutral vessels from the port of Buenos Ayres, and the commanders of the block-

ading forces have been authorized, in case of necessity, to extend that term to the 24th of October next.

I have the honor to be, sir, your most obedient servant,

S. H. INGLEFIELD,

Rear Admiral and Commander-in-chief of the British naval forces in the river Plate, &c.

Commander PENDERGRAST,

United States ship Boston.

UNITED STATES SHIP RARITAN,

Monte Video, November 12, 1845.

SIR: I have the honor herewith to enclose the orders given by Commander G. J. Pendergrast to Lieutenant Commanding Law. Pennington, of the United States brig Bainbridge, together with his letter informing me that he has despatched the Bainbridge to Buenos Ayres.

I have the honor to be, very respectfully, sir, your obedient servant,

DAN. TURNER,

Commanding United States Squadron, Brazil station.

The Hon. GEORGE BANCROFT,

Secretary of the Navy.

UNITED STATES SHIP BOSTON,

Monte Video, September 30, 1845.

SIR: I have the honor to inform you that, on the 18th instant, I despatched the United States brig Bainbridge to Buenos Ayres, under the accompanying instructions, marked A.

I have just received a letter from Lieutenant Commandant Pennington, enclosing me notifications of the blockade of Buenos Ayres and several communications from Mr. Brent. Lieutenant Commandant Pennington suggests that, under the circumstances, my presence at Buenos Ayres may be necessary; and I think it probable that I will go there in the Boston shortly, and send the Bainbridge to Monte Video. In the mean time, I have given Lieutenant Commandant Pennington the instructions herewith sent, marked B.

I have the honor to be, very respectfully, sir, your obedient servant,

G. J. PANDERGRAST,

Commander.

Commodore DANIEL TURNER,

*Commander-in-chief U. S. naval forces,
Coast of Brazil.*

A.

UNITED STATES SHIP BOSTON,

Monte Video, September 18, 1845.

SIR: You will proceed to Buenos Ayres in the United States ship Bainbridge, and remain there until further orders. Whilst there you will keep

a watchful eye on the interests of our citizens and their commerce, governing yourself by the instructions you have received from the commander-in-chief. You will make your usual returns and reports direct to Commodore Turner; but in all matters relating to your duties in the river you will report to me. If any thing of consequence should occur in the neighborhood of Buenos Ayres, which you may think it important for me to know, you will, if no other safe opportunity of communication offers, proceed to this place in the Bainbridge, and communicate with me in person.

Should your presence be required at any place in the upper part of the river, you can at once proceed to such place, informing me of the same as soon as you can.

I am, very respectfully, your obedient servant,

G. J. PENDERGRAST,
Commander.

Lieut. Com. LAW. PENNINGTON,
*Commanding U. S. brig Bainbridge,
Harbor of Monte Video.*

B.

UNITED STATES SHIP BOSTON,
Monte Video, September 29, 1845.

SIR: I have received your several communications by the Firebrand. Although you appear to be surrounded by difficulties, I cannot imagine any thing serious can occur if you pursue a strictly neutral course.

The blockade declared by England and France must be respected by you so long as those powers enforce it in a manner strictly conformable to the laws and usages of nations. Should any thing occur which you may think involves a departure from the ordinary course pursued in blockades, you will take the best means in your power to prevent it; but, in no event will you bring yourself into actual collision with any foreign power, unless compelled thereto in self-defence.

I am, very respectfully, your obedient servant,

G. J. PENDERGRAST,
Commander.

Lieut. Com. LAW. PENNINGTON,
*Commanding U. S. brig Bainbridge,
Off Buenos Ayres.*

UNITED STATES SHIP RARITAN,
Monte Video, November 12, 1845.

SIR: I have the honor to enclose you, herewith, copy of a correspondence between Commander Pendergrast, of the United States ship Boston, his Excellency Santiago Vasques, Minister of State, and Rear Admirals

Inglefield and Lainé, respecting the prohibition of getting supplies from the Punta de Yeguas.

I have the honor to be, very respectfully, sir, your obedient servant,

DAN. TURNER,

Commanding U. S. squadron, Brazil station.

HON. GEORGE BANCROFT,

Secretary of the Navy.

UNITED STATES SHIP BOSTON,

Monte Video, October 25, 1845.

SIR: I have the honor to inform you that on the 11th of this month I unexpectedly discovered in the public papers a decree of the Monte Videan government, prohibiting all communication from the 13th instant with Punta de Yeguas, where we had been in the habit of obtaining provisions and supplies. The decree was couched in language which I thought very objectionable, so far as related to the ship under my command, and I immediately called on the Minister of State, in company with Mr. Hamilton, our consul, and remonstrated against the decree, but particularly against the objectionable manner in which it was worded.

Mr. Vasques, the minister, expressed his regret that the necessity of such a restriction had been forced upon the government by the conduct of the Portuguese sloop-of-war, and that the Boston could not be excepted from the general interdiction, but said he would take great pleasure in assuring me, on the part of his government, that the abuses referred to in the decree had not been practised by the Boston, or any one attached to her. A copy of his letter is enclosed, marked A.

On the 12th, the day after my interview with the minister, I was informed by the English admiral, to my great surprise, that we were not, from that day forward, to hold communication with Punta de Yeguas. This had the effect to place it entirely out of my power to pay for our supplies at the point, unless permission from the admirals could be obtained. I accordingly despatched a lieutenant to say to the admirals that, by the course pursued, they had prevented me from settling the business of the ship at Punta de Yeguas, and that I understood the decree as allowing us until the 13th inclusive, which, after some hesitation on the part of the English admiral, was admitted.

Upon reflecting over the whole transaction, and the abrupt manner in which the decree was enforced, I could not help feeling that the course of the admirals had been very inconsiderate and offensive, and deficient in the consideration due to the public ships of the United States, and I therefore thought it my duty to write them the accompanying letter, marked B. Their reply, herewith, is marked C, together with my subsequent letter, marked D, which closes the correspondence on this subject.

I have the honor to be, very respectfully, sir, your obedient servant,

G. J. PENDERGRAST,

Commander.

Commodore DANIEL TURNER,

Commanding U. S. squadron, Brazil station

[Translation.]

SECRETARIO, *October 16, 1845.*

ESTEEMED SIR: I have the satisfaction of informing you, in relation to the decree which prohibits all communication with Punta de Yeguas, that the government, in dictating it, had in no way any complaint to make, nor has it any as to the conduct of those belonging to the corvette under your command, nor against [any] of the citizens of the United States. On the contrary, it acknowledges, in their intercourse up to the present time, the loyalty and frankness becoming in a nation identified by origin, principles, and customs, with this republic.

Your obedient servant salutes you with much appreciation.

SANTIAGO VASQUES.

Señor COMMANDER of the *United States**Corvette of war "Boston."*

B.

UNITED STATES SHIP BOSTON,

Monte Video, October 14, 1845.

SIR: I had the honor to receive your verbal notification on the 12th inst. that all communication with Punta de Yeguas, for the purpose of obtaining fresh provisions and supplies, was from that day prohibited.

This measure has occasioned me no little surprise, for I will confess myself entirely at a loss to discover the propriety or necessity of placing such a restriction on the public ships of the United States which are compelled to lie before this besieged town for the protection of their citizens and their interests. My surprise is still more increased when I reflect that those who have imposed this restriction upon the vessels of the United States have for two years, and until within a short time, received their supplies through the very channel which they have now closed.

Under all the circumstances, I am compelled to say that so far as this measure relates to the public vessels of the United States, I conceive it to be unjust and unnecessary, and I deeply regret to say that the hasty and inconsiderate manner in which it has been carried into effect has been objectionable and offensive in the extreme.

It was but reasonable to have supposed, that in the unexpected discontinuance of an intercourse with the place from which we had obtained supplies, there would be some pecuniary matters requiring to be arranged and settled; and yet, without a moment's warning, I was informed that all communication with Punta de Yeguas was interdicted. I feel, therefore, constrained to say that this affair has made the most painful impression upon my mind; that in the measure adopted, as well as in the manner of carrying it into effect, I feel that there has not been shown that consideration for the United States to which they are entitled, and I fear that such a course, if persisted in, cannot fail to engender feelings of unkindness and exasperation, if it should not lead to more serious consequences.

I have the honor to be, very respectfully, sir, your obedient servant,

G. J. PENDERGRAST,

Rear Admiral INGFIELD,

*Commander.**Commander-in-chief of H. B. M. naval forces,**Rio de La Plata.*

C.

[Translation.]

ROADS OF MONTE VIDEO, *October 17, 1845.*

The undersigned have received the letter which Mr. the Commander of the United States corvette Boston has done them the honor to address them on the subject of the verbal notification which they sent him of the interruption of communication with Punta de Yeguas.

The surprise which Commander Pendergrast says he felt in receiving this notification, and which they are unable to account for, cannot, in any case, be greater than that which his reply caused them. There are in this reply expressions which they might, in their turn, find unjust and inconsiderate, but they do not wish to remark in the communication of Mr. the Commandant any thing but the just observation which it contains on the subject of the necessity to regulate his accounts with those who furnish supplies at Punta de Yeguas; and if he will be pleased to inform them of the day on which he desires to terminate this affair, they will give him, with great pleasure, the necessary permission.

The undersigned have the honor to offer to Commander Pendergrast the assurances of their high consideration.

LAINÉ,
S. H. INGLEFIELD.

To Mr. the COMMANDANT of the
United States corvette Boston, Monte Video.

D.

UNITED STATES SHIP BOSTON,
Monte Video, October 20, 1845.

The undersigned, commander of the United States ship Boston, has had the honor to receive the joint letter of Admirals Lainé and Inglefield of the 17th instant, in reply to the communication which he had the honor to address them on the 14th in relation to the suspension of intercourse with Punta de Yeguas.

The undersigned begs leave to say that Admirals Lainé and Inglefield appear to have misunderstood the purpose of his communication, in supposing that it was to obtain permission to settle the accounts for supplies obtained at Punta de Yeguas, that object having been accomplished on the 13th; and all matters connected with the subject being arranged and settled, it will not be necessary to avail himself of the permission so politely proffered by Admirals Lainé and Inglefield.

The undersigned has the honor to renew to Admirals Lainé and Inglefield the assurances of his high consideration.

G. J. PENDERGRAST.

Rear Admirals LAINÉ and INGLEFIELD,
*Commanders-in-chief of the French and
British naval forces, Rio de La Plata.*

UNITED STATES SHIP RARITAN,
Off Monte Video, November 12, 1845.

SIR: I have the honor herewith to enclose copy of a letter from Mr. Brent, United States chargé d'affaires at Buenos Ayres, to Commander G. J. Pendergrast, and his reply thereto.

Also a printed manifesto from the English and French ministers plenipotentiary, and Mr. Brent's protest against their declaration of a blockade of the coasts and ports of the province of Buenos Ayres.

I have the honor to be, very respectfully, sir, your obedient servant,
 DAN. TURNER,

Commanding U. S. squadron, Brazil station.

Hon. GEORGE BANCROFT,
Secretary of the Navy.

UNITED STATES SHIP BOSTON,
Monte Video, September 30, 1845.

SIR: I have the honor herewith to enclose a copy of a letter from our chargé d'affaires, Mr. Brent, and my reply thereto.

I also enclose a printed manifesto from the English and French ministers plenipotentiary, and Mr. Brent's protest against their declaration of a blockade of the province of Buenos Ayres.

The step taken by our chargé has not, to my knowledge, had any effect on the course of events, and the blockade of the ports of Buenos Ayres has been established.

I have the honor to be, very respectfully, sir, your obedient servant,
 G. J. PENDERGRAST.

Commander.

Commodore DANIEL TURNER,
*Commandant-in-chief U. S. naval forces,
 Coast of Brazil, &c.*

LEGATION OF THE UNITED STATES,
Buenos Ayres, August 30, 1845.

SIR: Could I have sent you any satisfactory information, upon which reliance might have been placed in relation to the condition of things here, and in answer to your request, I should have done so ere now; but that has been impossible.

Some days ago, I received from the consul here, Joseph Graham, esq., a paper, of which I send you a copy enclosed, (marked E,) from Adolphus Turner, esq. I presume it to be genuine.

The influence which this paper has already had on the trade and interests of our countrymen is very unfortunate. The particular construction, in its practical operation, which the British naval commanders may and do give to this paper, is of great importance. Whether this paper has been issued by instructions from the British government, or whether it has been issued without the authority, and under the mere color of authority, of the British government, does not appear.

Samuel B. Hall, esq., called on me a few days since, and informed me that he has property at Maldonado, and that he desires to make purchases at that place and at the ports of the Buceo, and that he also has similar business at other ports of the republic of Uruguay. He has asked my opinion as to what are his rights as a citizen of a neutral nation, such as the United States, in regard to going in with his vessel into these ports, and in the pursuance of the trade of an honest neutral.

My opinion in such case is of little value; but I have advised him to send on his vessel, and pursue his lawful trade, unless interrupted.

I have thought that, even should the British government have *actually declared and actually made war in this case*, yet that the British government and the British naval commanders would not refuse to the American ships and American cargoes the same immunities which are claimed and exercised by the British government and by British naval commanders.

For example. But I must premise that I am not aware that a neutral naval commander has a right to put on a blockade; I am not aware that it is the right of a neutral nation to order their naval commanders to put on a blockade. A neutral nation, or the naval commander of a neutral nation, has no right, by authority of the law of nations, to put on a blockade; that, in so doing, they act by mere color of the authority of the law of nations, and, for such abuse, are liable to an honest neutral for any injury he may sustain in his lawful and honest pursuits. But, even if a neutral nation or the naval commander of a neutral nation has a right to put on a blockade, and this, let us suppose, by undoubted authority of the law of nations, yet it becomes important to make *some inquiries* when a blockade has been thus put on by a British naval commander, whether by his own mere will, without any authority, or under the authority of his government. The inquiries which present themselves are as follows:

When a blockade is put on by the order of a belligerent, directed to the naval commander, and when the right to issue such order is unquestioned by the British government, yet the British doctrine and the British practice is, that if a British naval commander awaits the decision of the British plenipotentiary at the government putting on the blockade, such British naval commander has acted properly—

Query. Do British naval commanders concede to American naval commanders the right and power to await the decision of the American minister at the government which has put on the blockade?

Again: When a rigorous blockade is ordered by a *belligerent nation*, (I do not mean by a naval commander, without the order of his government,) the British doctrine and practice is, that if a British naval commander (while his government remains neutral) will postpone the *execution of the said blockade until he shall receive communications deemed necessary from the British plenipotentiary* at the government putting on such blockade, such postponement of the execution of such blockade by a British naval (neutral) commander is approved by her Majesty's government.

Query 2d. Do British naval commanders concede to an American naval (neutral) commander the right and power "to postpone the execution of the said blockade until he shall receive communications deemed necessary" from the American minister plenipotentiary at the government putting on such blockade?

Query 3d. And with regard to *such postponement of the date at which such strict blockade is to take effect, both with regard to the arrival and de-*

parture, from the port blockaded, of foreign vessels, do British naval commanders concede to American naval commanders the same power as claimed for them by the British government in such case?

Again: When a rigorous blockade is ordered by the government of a belligerent nation, (I do not mean a naval commander, without the order of his government,) and this order is issued by their naval commander, and when, in such case, a British naval neutral commander receives notice of such an order, and does not recognise it at the moment, but declares that such blockade will be recognised by her Majesty's naval forces, and when it is declared by her Majesty's government that the conduct of such British commander, *in refusing to acknowledge such blockade, is approved by her Majesty's government*—

Query 4th. Do British naval commanders concede to American naval commanders the right and power to say that they will recognise such blockade at some future day?

Again: When the government of a belligerent nation orders a strict blockade, and their naval commanders issue notice of such order, the British doctrine and practice is, that it will be necessary to defer the operation of the said blockade, with respect to British vessels and British cargoes, until he (that is, the British commander) shall have been made acquainted with the results of an application of the British minister plenipotentiary at the belligerent government putting on such blockade.

Query 5th. Do British naval commanders concede to American naval commanders that "it will be necessary for them to defer the operation of the said blockade, with respect to American vessels and American cargoes, until such American commander shall have been made acquainted with instructions from his government?"

Again: Is it the doctrine of a British commander, (sanctioned by her Majesty's government,) that when an order has been issued by the government of a belligerent nation to their naval commanders to put on a rigorous blockade, that in such case "it becomes necessary for a British naval commander to claim indemnification for any losses to which British subjects may be subjected in consequence of the proposed rigorous blockade, with respect to British vessels, or to vessels containing British property, which may have left the port of departure before the receipt of the intelligence of the establishment of the rigorous blockade?"

Query 6. Have American citizens a claim for indemnification for any losses to which they may be subjected in consequence of a proposed blockade with respect to American vessels, or to vessels containing American property, under similar circumstances?

In fine, as the right of a belligerent nation to issue a paper order, signed by their secretary of foreign affairs, and directed to the naval commanders of such belligerent, and the right of such naval commanders to issue a paper notification of such order to a naval (neutral) British commander, seems unquestioned by the British naval commanders, and by the British government; and, as by the documents annexed, the British government and the British naval commanders declare that the right of such belligerent becomes suspended, or nullified, or destroyed, by the rights of a British naval commander to await, to postpone the execution, to hesitate to acknowledge at a future day, to postpone the date, to defer the operation of such blockade—

Query 7th. Do British naval commanders concede to American naval

commanders the same rights and powers which they claim and exercise, "to await," "hesitate," "postpone the execution," "to acknowledge at a future day," and "to defer the operation" of such blockade, as claimed by themselves, until the American commander can receive instructions from those who have the power and right to give them to him.

These are grave and important questions. As to myself, I am not aware, as I have said above, that a naval commander of a neutral nation has any right to put on a blockade; I am not aware that the government of a neutral nation has a right, by the law of nations, (while considering itself neutral,) to put on a blockade, or to authorize their naval commander to do so.

I nowhere find, until within a few years—and that only in the waters of the La Plata—that naval commanders of neutral nations have exercised the power of putting on blockades.

If, then, sir, these questions are not fully and well settled by the law of nations, and more especially, as far as we are concerned, by the government of the United States, until such adjustment and decision, inasmuch as British naval commanders claim for their subjects and their commerce the rights and indemnifications and reclamations as set out above, can they deny to American citizens and American naval commanders the same rights and indemnifications which they claim for British naval commanders and British subjects?

It will be a matter of the first importance to our citizens for the United States to enjoy the same immunities which have been claimed and enjoyed by Great Britain under similar circumstances. Mr. Hall, in the pursuit of a neutral trade, presents himself for the transaction of business most important to himself, to his family, and to those for whom he transacts business.

I shall be happy to know, and it will be most pleasing to my countrymen to know, that, until these grave questions are properly settled, and until you shall have received instructions from the government of the United States on these subjects, our citizens meanwhile have the same immunities as claimed and enjoyed by British subjects.

I annex copies of the following, viz :

1st. A letter from Mr. Manderville, British minister at Buenos Ayres, to Mr. Turner, British chargé d'affaires at Monte Video, dated 22d January, 1845, containing a letter from Lord Aberdeen to Mr. Manderville, dated 1st of August, 1843, (marked A.)

2d. A letter from the British captain Pasley to the general-in-chief of the squadron of the Argentine confederation, dated 19th January, 1845, (marked B.)

3d. A letter from the British captain Pasley to the admiral commanding-in-chief of the Argentine squadron off Monte Video, (marked C,) dated 29th January, 1845.

4th. A letter from the British plenipotentiary, Mr. Ouseley, to Don Felipe Arana, Minister of Foreign Affairs of the Argentine government, dated 19th July, 1845, (marked D.)

In the queries which I have drawn up I have endeavored, as nearly as may be, to conform to and employ the terms used by the British functionaries. I also subjoin letters from Admiral Lainé, and one from the French chargé here, the Baron de Mareuil.

The letter of the chargé and that of Mr. Manderville of the 22d Janua-

ry, 1845, show the mistake under which Admiral Lainé has labored as to the pretended agreement of the Argentine government growing out of the joint memorandum of the 28th March, 1843.

This letter will be handed to you by Mr. John Naulty, supercargo of the schooner Sarah Anne.

Any practical construction which the British agents at or near Monte Video may put on this order of Admiral Inglefield for the blockade of the Buco, and his prospective order for the rigorous blockade of other ports of the Oriental republic, might serve as a guide to our citizens here. It would be desirable to know what is meant by the terms "occupied by," and what is meant by "troops in the service of the Argentine government." Does this mean Oriental troops under General Oribe?

Your situation near the source of action may enable you to obtain a solution of various matters which may enable our citizens here to shape their course. Any such information will be highly acceptable.

Mr. Naulty is near me, and admonishes me that he has a fair wind. I must therefore conclude.

Be assured of the high and distinguished consideration of your friend and servant,

WM. BRENT, Jr.

To Commander G. J. PENDERGRAST,
Commander of the U. S. ship Boston, off Monte Video.

UNITED STATES SHIP BOSTON,
Monte Video, September 30, 1845.

SIR: I have had the honor to receive your communication of the 30th ultimo, in relation to the blockade imposed by the English and French upon the ports of the republic of Uruguay, which were, or might be, in possession of the troops of Buenos Ayres.

At the moment your letter came to hand, I was engaged in a correspondence with the British and French admirals on the subject of the blockade, and have the honor herewith to transmit copies of that correspondence.

With reference to the validity of the blockade in question, I do not feel myself authorized to decide, and shall therefore refer the subject to the commander-in-chief for his instructions or the decision of our government. In the mean time, however, I shall feel bound to respect the present blockade, provided it be enforced in strict conformity to the laws of nations, and in accordance with the principles recognised in our country.

The declaration of the whole coast of the province of Buenos Ayres under blockade I conceive to be inadmissible, and shall therefore enter a protest against it; and after taking all the steps here which I deem requisite, I think it likely I will proceed to Buenos Ayres in the Boston, and send the Bainbridge to Monte Video.

I have the honor to be, very respectfully, your obedient servant,
G. J. PENDERGRAST, *Commander.*

To the Hon. WILLIAM BRENT, jr.,
Chargé d'Affaires of the United States, Buenos Ayres.

LEGATION OF THE UNITED STATES OF AMERICA,
Buenos Ayres, September 23, 1845.

SIR: On the 22d of September, 1845, at about 10 o'clock in the morning of that day, I received a letter, of which a copy (marked A) is herewith enclosed.

On its receipt I addressed a letter to Don Felipe Arana, Minister of Foreign Affairs of the Argentine confederation, to which I received the reply (marked B) herewith sent. Under the circumstances detailed in these communications, I make this communication direct to you.

In the communication marked A, it is stated that, "in consequence of a decision which the ministers plenipotentiary of England and France at Monte Video have found necessary, a blockade of the ports and coasts of the province of Buenos Ayres has been declared, and such blockade will be *enforced by the combined squadrons of England and France*, forty-eight hours after the date of the present notification. Fifteen days, however, will be allowed for the departure of vessels from Buenos Ayres.

In consequence of a decision which the ministers plenipotentiary of England and France have found *necessary*, a blockade of certain ports and coasts has been declared. That which the plenipotentiaries of England and France have found necessary for their declaration of this blockade, I do not recognise for the United States as the rule by which they will govern themselves; and I do not acknowledge such decision of these plenipotentiaries as *having* any validity whatever, as far as the United States and their citizens are concerned. Nor, sir, do I consider such decision thus made by these plenipotentiaries as *giving* any validity whatever to such blockade of the ports and coasts of the province of Buenos Ayres. Nor, sir, do I acknowledge the right of the commanders of the combined squadron of England and France to enforce any such blockade in consequence of such decision, found necessary by the English and French plenipotentiaries.

These acts of the English and French plenipotentiaries, and of the commanders of these squadrons, are ordered to suit the necessities of these plenipotentiaries, and the notification given by them bears evident marks of being made by mere *color* of the authority of the governments of France and England, and not by virtue of the authority of these governments.

And moreover, sir, even if this notification of such blockade has been made by virtue of *instructions* actually given to these plenipotentiaries and these naval commanders *under the sign manual* of the sovereigns of England and France, and by virtue of what they suppose to be *their due authority*, this blockade is no less invalid and contrary to the rights of nations.

I therefore, sir, for the United States of America, hereby protest against this so-called and misnamed blockade; and I hereby inform you, sir, that on the part of the United States of America and of their citizens, the United States will make reclamations from those committing any acts in violation of their rights, and, moreover, will require indemnification for any injury or loss whatever which they may sustain in consequence of such illegal acts.

I am, sir, your friend and obedient servant,

WM. BRENT, Jr.,

Chargé d'Affaires of the United States of America

near the Argentine confederation.

W. G. OUSELEY, esq.,

Her Majesty's Minister Plenipotentiary.

UNITED STATES SHIP RARITAN,
Monte Video, November 12, 1845.

SIR: I have the honor herewith to enclose copy of a correspondence between Commander G. J. Pendergrast and his excellency Gen. Oribe. I have the honor to be, very respectfully, sir, your obedient servant,

DAN. TURNER,

Commanding U. S. squadron, Brazil station.

The Hon. GEORGE BANCROFT,
Secretary of the Navy.

UNITED STATES SHIP BOSTON,
Monte Video, November 15, 1845

SIR: I have the honor to submit the accompanying copies of a correspondence between his excellency General Oribe and myself, which, I am happy to inform you, resulted in the prompt and satisfactory restoration of the property of our citizens at Maldonado.

These copies were prepared for transmission to you at the time of the occurrence, but, owing to an oversight, they have remained in my possession until the present.

I have the honor to be, very respectfully, sir, your obedient servant,
 G. J. PENDERGRAST,

Commander.

Commodore DANIEL TURNER,
*Commanding U. S. squadron, Brazil station,
 Monte Video.*

UNITED STATES SHIP BOSTON,
Monte Video, August 12, 1844.

The undersigned, commander of the United States ship Boston, has the honor to inform your excellency that, on the 10th of this month, the officer next in rank to the undersigned was sent from this ship to the Buco, with an important official communication for your excellency, and that, with the motive of showing all proper respect for the high station of your excellency, the officer was directed to deliver the communication in person.

The undersigned deeply regrets, however, to say that the officer charged with this duty was not permitted to proceed on his mission, and was consequently compelled to return to the ship without having accomplished the purpose for which he was sent.

The undersigned begs leave further to state that, a few weeks since, the same officer was landed near the steamer Gorgon, with the object of delivering a communication to your excellency from the consul of the United States at this place, and that he encountered many impediments at the outposts of your excellency's army, though finally, after much delay, he was permitted to proceed on foot to the headquarters of your excellency.

The undersigned was much grieved on learning these facts, feeling that any want of consideration manifested to an officer in the performance of

his duty is, to some extent, a want of respect to the nation to which he belongs. But the undersigned is unwilling to ascribe to the officers in command of the advanced guards any motive of disrespect in having occasioned the impediments and delay just mentioned, and therefore supposes that some misconstruction may have been placed on the orders under which they acted.

The undersigned has felt it his duty, however, to bring these facts to the knowledge of your excellency, in full confidence that the way will be opened for the delivery of the communication first mentioned, and that the undersigned will enjoy the usual facilities of communication between your excellency and an officer representing his government abroad.

The undersigned feels his confidence in the friendly disposition of your excellency confirmed by the distinguished courtesy and kindness with which your excellency received the officer who reached the Cerito on foot, and afforded him facilities to return to the ship; for which the undersigned avails himself of this occasion to return his sincere thanks, and to assure your excellency of the high consideration and respect with which he has the honor to be your excellency's obedient servant,

G. J. PENDERGRAST.

His Excellency DON MANUEL ORIBE,

*Brigadier General and Commander-in-chief
of the besieging army near the Cerito.*

— — —
[Translation.]

HEADQUARTERS, August 16, 1844.

MY ESTEEMED SIR: It has indeed been a mistake which caused the impediment that was opposed to the arrival at this headquarters of the officer who brought the note to which you refer, the 10th instant. The delays which he suffered near the steamer Gorgon were also the effect of the same mistake, or of other innocent causes. But of this date I give final orders, to the end that the said officer shall not encounter any inconvenience in coming to this point. You may therefore send him when you find it convenient.

Without other object, I offer myself your obedient servant, who kisses your hand.

MANL. ORIBE.

Señor Commodore of the United States,

G. J. PENDERGRAST.

— — —
UNITED STATES SHIP BOSTON,
Monte Video, July 9, 1844.

The undersigned, commander of the United States ship Boston, has the honor to inform your excellency that several citizens of the United States have represented to the undersigned that they have property and merchandise of considerable value, and of a perishable nature, in the town of Maldonado; and that they are suffering great loss and injury in consequence of being prohibited from removing it.

The undersigned has been further informed that the said property and merchandise were owned by the said citizens of the United States at the time Maldonado was taken possession of by the forces of your excellency, and that the port was immediately closed, without notification; and that no opportunity has since been allowed to collect the debts or to remove their property from said town.

The undersigned begs leave to call the attention of your excellency to the facts stated above, by which it will be seen that the citizens of a neutral and friendly nation have been subject to great hardships, and are likely to suffer still greater injury unless prompt relief be afforded them.

The undersigned hastens to assure your excellency that the government of the United States has enjoined upon its officers to maintain the strictest neutrality between the contending parties of the country, and to cultivate friendly feelings with all; and, at the same time, to observe with great solicitude any injury to the persons or property of citizens of the United States.

The undersigned trusts that your excellency, after learning the peculiar nature of these cases, and taking into consideration the strict neutrality and friendly disposition of the government of the United States, will be pleased to issue the necessary instructions to the authorities of Maldonado to permit the property and merchandise in question to be taken away by the owners or their agents, and to collect their debts.

The undersigned profits by this occasion to assure your excellency of the sentiments of high consideration and respect with which he has the honor to be your excellency's obedient servant,

G. J. PENDERGRAST.

His Excellency DON MANUEL ORIBE,

Brigadier General and Commander-in-chief

of the besieging army near the Cerito.

[Translation.]

HEADQUARTERS, August 19, 1844.

ESTEEMED SIR: I shall have no inconvenience in giving the order you solicit to the commander of Maldonado, that the property of citizens of the United States may be embarked under the usual formalities; and more so, as I take pleasure in the knowledge of the conduct of the agents of the United States in this question, not having given cause of dissatisfaction.

But as it is important that matters should not deviate from their natural course, I shall await the said order, that the petition be made officially by the United States consul; of which measure I hasten to inform you, that the business may not suffer by delay. With this motive, I repeat to you that I am your obedient servant,

MANL. ORIBE.

Commander PENDERGRAST,

United States ship Boston.

NAVY DEPARTMENT, *May 27, 1845.*

SIR: I have received your letter of the 9th of April last, informing the department of the proceedings of Commander Pendergrast at Monte Video, and transmitting a copy of the correspondence growing out of them.

It is with great regret that I find myself compelled to withhold my approbation from the conduct of Commander Pendergrast. He is wrong in his position that a blockading squadron must have the force and power to resist effectually all opposition, and that the failure on the part of the Argentine republic to maintain her belligerent rights against the opposition of the French naval force justifies him in refusing to conform to the strict blockade.

The department would have been pleased if, on the occasion of an infringement of the rights of an American nation by a European squadron, the armed vessels of the United States had set the example of respect for the rights of the weaker power.

The letter of Mr. Brent of the 11th of February last commends itself to the department for its exposition of the law of nations, and the proper policy of our government as applied to the case; and the President would have been pleased if commander Pendergrast had conformed to the advice of the representative of the United States at Buenos Ayres, at least until the sense of his government could be known.

These are the views which I entertain of the case as presented by the papers which you enclosed to the department. Had you intimated any good ground for suspicion of collusion between the authorities of Buenos Ayres and the commanders of the naval forces of other nations near Monte Video, the judgment of the department might have been different.

I am, respectfully, your obedient servant,

GEORGE BANCROFT.

Commodore DANL. TURNER,

Commanding U. S. naval forces, coast of Brazil.

UNITED STATES SHIP RARITAN,
Off Monte Video, November 12, 1845.

SIR: I have the honor to enclose, herewith, a communication from Commander G. J. Pendergrast, giving a circumstantial statement of the motives which influenced his conduct respecting the blockade by the Argentine squadron, which conduct was disapproved of by the honorable Secretary of the Navy. If the department, after perusing the statement of Commander Pendergrast, should think proper to remove the censure passed upon that officer in their communication to me of the 27th of May last, I request that he may be informed of the same, as he is greatly mortified at falling under the censure of the honorable Secretary of the Navy. The nefarious traffic in which many of the citizens of the United States have been engaged, on the coast of Africa, for the last two years, has kept me (by the advice of our minister at the court of Brazil) much of my time at Rio de Janeiro; but, in my absence from the Rio de La Plata, I have felt that the zeal and correct judgment of Commander Pendergrast would

secure to the United States the honor of her flag and the best interests of her citizens.

I have the honor to be, very respectfully, sir, your obedient servant,
DAN. TURNER,
Commanding U. S. squadron, Brazil station.
To the Hon. SECRETARY OF THE NAVY.

UNITED STATES SHIP BOSTON,
Monte Video, September 12, 1845.

SIR: I have the honor to enclose a letter to the honorable the Secretary of the Navy, which I respectfully request may be transmitted by the earliest opportunity; it is in reply to the letter of the department withholding its approbation of my conduct in respect to the blockade of this port by Buenos Ayres. I have rested my justification upon the correctness of my conduct, and not upon any doubts or apologies; and I feel confident that, when the Secretary reconsiders the subject, with a full exposition of the circumstances as they arose, he cannot refuse his approbation. I will thank you, if any new considerations present themselves to your judgment by a perusal of my letter, to add a favorable notice of it in your letter to the department, if you can do so with propriety.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST, *Commander.*

To Commodore DANIEL TURNER,
Commanding U. S. naval forces, Brazil station.

UNITED STATES SHIP BOSTON,
Monte Video, September 12, 1845.

SIR: I have had the honor to receive from Commodore Turner a copy of your letter of the 27th of May last, by which I have learned with deep regret that you find yourself compelled to withhold your approbation of my conduct in relation to the blockade of this port by Buenos Ayres.

I cannot resist the conviction that, if all the circumstances of the case could have been presented to your consideration, the judgment of the department might have been different.

When I arrived at my station off Monte Video, I found it under a modified blockade, which gave rise to various new and perplexing questions, and upon the provisions of which conflicting interpretations were placed and enforced by the several naval commanders. It was afterwards changed by Buenos Ayres to a rigorous blockade, which I promptly recognised in good faith. I soon found, however, that the French admiral had refused to acknowledge it, and that the vessels of all nations were coming freely into Monte Video with provisions and supplies, whilst American vessels were arrested off the harbor by the blockading force and subjected to vexatious delays and losses. I was appealed to by my countrymen for protection against this open partiality and injustice. I gave the subject all the investigation in my power; and, in the absence of orders or instructions from the department or the commander-in-chief to act other-

wise, I extended to my countrymen the protection to which I thought them entitled.

I was compelled to act promptly, for, if I had waited until the sense of my government could be known, all the evils would have occurred which I felt it my duty, and the very object of my presence here, to prevent.

I beg leave to call the particular attention of the department to the reasons of my conduct. The right of blockade is founded upon the principle that the enemy may, by the want of supplies, be sooner brought to terms; and neutral nations submit to the interruption and losses of their commerce, consequent upon a blockade, only because thereby the war may be sooner terminated and the general freedom of commerce restored. The blockade in question offered no impediment to the introduction of supplies into Monte Video except in American vessels, and, under the circumstances, could have no effect upon the termination of the war. By the laws of nations, when a blockade is raised voluntarily, or by superior force, it puts an end to it absolutely. The French admiral had raised it by superior force; had put an end to it absolutely; and it had become a partial interruption of American commerce without lawful object. Could I tamely suffer this? Could I endure, sir, that the proud flag of our country should be singled out from among the nations to be treated with contempt and injustice, whilst every other flag was admitted into port? I asked myself, what would the government and people of the United States say of the captain of an American man-of-war who was capable of submitting to it? I did not then hesitate; I could not.

It is part of our history that the capture and detention of our vessels in the enforcement of constructive or defective blockades was a prominent cause of the war with Great Britain, and the basis of our claims against France; and I therefore considered it would have been superfluous in the department to issue orders to act upon a principle for which we had lavished our treasure and our blood.

It was my purpose, sir, to have set the example of respect to the rights of the weaker power, on the occasion of the infraction of the rights of an American nation by a European squadron, and in that spirit I hastened to acknowledge and respect the blockade, and would have continued to respect it, in good faith, if it had been duly maintained; but when, by an act of power over which I had no control, it was deprived of the essential elements of a blockade, and had degenerated into a mere vexatious interruption of American commerce, I felt myself no longer bound, by abstract notions of respect for any nation on earth, to tolerate it. I felt that you, sir, would not have justified me, when our merchants filled the department with their complaints, and loaded the tables of Congress with their reclamations.

The letter of Mr. Brent, which commends itself to the department for its exposition of the law of nations, and the proper policy of our government as applied to the case, ably argues the question as applicable to the French admiral, but very inconclusively, I conceive, infers a parallel between that officer and myself, omitting the important distinction that I promptly acknowledged the blockade, and he refused it; that I respected it while I supposed it to exist, and that he never suffered it to be enforced against the French flag.

With reference to his excellency the President having wished that I had followed the advice of Mr. Brent, at least until the sense of my gov-

ernment could be known, I beg leave respectfully to say that I was apprised by Commodore Turner of the existence of a circular from the Navy Department, by which commanders abroad were alone responsible for their acts, and that the advice of a minister would not be received in excuse of their errors. I felt, therefore, that the weight rested on me alone, and that Mr. Brent would neither share my responsibility, nor the odium that would attach to me, if I had suffered my countrymen to be deprived of their commercial rights as neutrals. Had I deferred my action until I heard from home, our vessels, and ours alone, would have been arrested and sent to Buenos Ayres for adjudication, our commerce in the Rio de La Plata most seriously injured, our citizens involved in the interminable litigation of national questions, and the treasury burdened with their reclamations. I will not allude to the consequences personal to myself, for when my judgment pointed out the path of duty I followed it, without regarding them.

Permit me here to attempt a short recapitulation of the circumstances under which I was compelled to decide. I had acknowledged the blockade, in good faith: the French admiral had nullified it; and it has continued a nullity to the present moment. The vessels of all nations were coming openly into port. An American arrived, and was arrested by the blockaders. I was appealed to; hesitation was as fatal as the denial of protection. I was then, and at all times, anxious to maintain the strictest neutrality, and to manifest to the world the most unequivocal respect for the rights of Buenos Ayres. I was without orders or instructions applicable to the case, or even the advice of Mr. Brent; for that I did not receive until after I had acted. Could I, under the circumstances, allow me to ask, refuse the paramount claims of my countrymen to protection?

A view of the case from a distance may present the question in a different aspect, and the arguments of a minister upon the course pursued by a European commander may seem to apply to me. But I cannot for a moment doubt that the department will sustain me, when it is shown that I have acted in conformity with my instructions, and carried out what appeared to me to be the settled principles and policy of our government.

It gives me pain to say that the letter of the department, withholding its approbation of my conduct, depressed and discouraged me greatly. I received it at the moment when I was anxiously engaged in correspondence with the British and French admirals upon the subject of the blockade which they have just imposed upon the ports of this republic, and by which a large amount of American property is exposed to loss, from the inadequate time allowed to neutrals to withdraw their effects. And, to add to my perplexity, I have received a letter from Mr. Brent, by which I am surprised to find that he is as urgent with me to resist this latter blockade, as he was anxious that I should submit to the former. On this occasion I am again without instructions; but I can find no good reason to oppose this latter blockade, and shall therefore respect it whilst duly enforced, or until I receive instructions to the contrary.

I feel myself authorized in saying that, during the fourteen months I have been in this river, I have faithfully and zealously performed duties involving questions of no little delicacy and importance; that I have afforded protection to our citizens in the enjoyment of their neutral rights, without regard to the power by which they were assailed; and that I

have pursued a course by which I have maintained the strictest neutrality: and amid their anomalous and complicated relations, I have avoided just cause of complaint to any of the powers in the Rio de La Plata. And, allow me to state further to the department, that even in the instance of my not suffering the rigorous blockade to be enforced against American vessels, Admiral Brown, commander-in-chief of the blockading forces, with a knowledge of all the circumstances, admitted that I was right, although he subsequently signed a protest, which was prepared for him at Buenos Ayres to suit the peculiar views of that government.

I pray the department to receive in apology for the length of this letter my anxious desire to remove myself from a false position, and to justify myself to my government; and to allow me, in conclusion, to express my trust that, upon a review of all the circumstances, the department will have as ample pleasure in according me its approbation, as I shall feel pride in receiving it.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST, *Commander.*

To the Hon. GEORGE BANCROFT,
Secretary of the Navy.

UNITED STATES SHIP BOSTON,
Monte Video, October 25, 1845.

SIR: I have the honor to transmit, herewith, marked A, a copy of a protest which I thought it proper to send to the English and French admirals on receiving their notification of the blockade of the ports and coasts of the province of Buenos Ayres. I also enclose, marked B, a protest against the shortness of time allowed for the withdrawal of neutral property from Maldonado. In the last protest, you will perceive that I have endeavored to strengthen my position, by entering into a short examination of the principles involved in the case. It seems, however, not to have had the effect of drawing from the admirals any thing of a satisfactory character, but I nevertheless believe it will be the means of making them cautious how they trespass on the points to which I have alluded.

I also send a copy of an application for an extension of time for the removal of property belonging to our citizens at Buenos Ayres, and the reply of the admirals.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST,
Commander.

To Commodore DANIEL TURNER,
Commanding U. S. squadron, Brazil station.

A.

UNITED STATES SHIP BOSTON,
Monte Video, October 10, 1845.

The undersigned, commander of the United States ship Boston, has the honor to acknowledge the receipt of Admiral Lainé's notification, of

the 30th ultimo, of the establishment of a blockade, by the French and English naval forces, of the ports and *coasts* of the province of Buenos Ayres.

The attention of the undersigned has been particularly arrested by that part of the notification which declares not only the ports but the coasts of the province of Buenos Ayres to be under blockade; and he begs leave to say that, as the government of the United States have ever opposed the principle of constructive or *coast* blockades as unjust and hurtful in the extreme to neutrals, he feels bound solemnly to protest against any molestation or impediment to the freedom of the commerce of citizens of the United States by the French and English naval forces, except in cases wherein it may be attempted to enter a place actually and efficiently blockaded by armed vessels stationed off the place.

The undersigned has the honor to renew to Admiral Lainé the assurance of the high consideration with which he has the honor to be Admiral Lainé's obedient servant,

G. J. PENDERGRAST.

To Rear Admiral LAINE,

*Commander-in-chief of the naval forces of France,
Rio de La Plata.*

UNITED STATES SHIP BOSTON,
Monte Video, October 10, 1845.

The undersigned, commander of the United States ship Boston, has the honor to acknowledge the receipt of Admiral Inglefield's notification, of the 23d ultimo, of the establishment of a blockade by the English and French naval forces of the ports and coasts of the province of Buenos Ayres.

The attention of the undersigned has been particularly arrested by that part of the notification which declares not only the ports but the coasts of the province of Buenos Ayres to be under blockade; and he begs leave to say that, as the government of the United States have ever opposed the principle of constructive or coast blockades as unjust and hurtful in the extreme to neutrals, he feels bound solemnly to protest against any molestation or impediment to the freedom of the commerce of citizens of the United States by the English and French naval forces, except in cases wherein it may be attempted to enter a place actually and efficiently blockaded by armed vessels stationed off the place.

The undersigned has the honor to renew to Admiral Inglefield the assurance of the high consideration with which he has the honor to be Admiral Inglefield's obedient servant,

G. J. PENDERGRAST.

To Rear Admiral INGLESFIELD,

*Commander-in-chief of H. B. M.'s
naval forces, Rio de La Plata.*

B.

UNITED STATES SHIP BOSTON,
Monte Video, October 11, 1845.

The undersigned, commander of the United States ship Boston, had the honor of addressing, on the 5th ultimo, to Admirals Inglefield and Lainé, communications in relation to the blockade of the ports of the republic of the Uruguay which had been declared by them. In the communications referred to, the undersigned anxiously endeavored to bring clearly into view certain points which were likely to arise in the course of the blockade, and to arrive at an understanding with Admirals Inglefield and Lainé, which would place beyond question the chances of collision or misunderstanding on that subject.

The undersigned regrets to say that the joint reply of Admirals Inglefield and Lainé, of the 29th ultimo, is in many respects very unsatisfactory; and so far from quieting, as he hoped it would have done, all apprehension of misunderstanding, his anxiety in this respect has been greatly augmented.

Admirals Inglefield and Lainé have been pleased to say, "It being the intention of the undersigned to enforce any blockade which may be established strictly in accordance with what they believe to be the recognised law in such cases, it appears to the undersigned that no object would be gained in opening a discussion with Commander Pendergrast as to what are the principles applicable to the present blockade."

The undersigned begs leave to remark to Admirals Inglefield and Lainé that there exists a great diversity of opinion as to what is the recognised law on some of the points which he had the honor to submit for consideration, and that it was with the hope of ascertaining whether Admirals Inglefield and Lainé recognised them as the law in such cases, that certain views were brought forward at an early period.

The undersigned feels no disposition unnecessarily to open any discussion with Admirals Inglefield and Lainé, but he would observe that, from present indications, he fears that the points submitted by him must, in the end, be discussed either by Admirals Inglefield and Lainé and himself, or by their respective governments, for it cannot be suffered that any belligerent shall decide the law without question, in which the rights of neutrals are involved, or shall enforce what appears to him to be the recognised law in such cases, without restriction.

The undersigned has seen, with much surprise and concern, that the whole coast of the province of Buenos Ayres has been declared under blockade, and he has had forced upon him the unpleasant duty of protesting against it. This has at once raised a question in which the recognised law in such cases seems to be construed differently by the blockading powers and the undersigned, and he renews the expression of his fears that in the progress of events other cases of differences will in all likelihood arise.

The undersigned has read with close attention the following paragraph in the joint letter of Admirals Inglefield and Lainé: "As the law of blockade does not recognise the necessity of any time being allowed to neutrals to withdraw their property, except such as may have actually been shipped before the blockade commenced, and as the time granted has been purely a matter of favor to neutrals, the undersigned are at a loss to un-

derstand on what ground the government of the United States could insist upon indemnification for any losses that the citizens of that country may have sustained by reason of said blockades." And he begs leave to say, that although the law of blockade may not, in terms, recognise the necessity of any time being allowed to neutrals to withdraw their property, yet the comity of nations, and the universal principles of justice, demand that in the enforcement of a blockade great moderation be observed in the conduct of the belligerent towards neutrals, and that no harshness or unnecessary rigor be imposed upon them.

The undersigned begs leave to say, further, that the right of a belligerent to molest neutrals or their property stands upon a very slender basis, and that it will be found, upon a close examination of the subject, that the belligerent right of blockade, when exercised to the injury of neutrals, rests upon a specific concession from them for the general good, in order that the enemy may be more speedily reduced to terms, and the war terminated, and that commerce may be allowed again to flow in its accustomed channels.

The undersigned resists the doctrine that the time granted has been purely a matter of favor to neutrals. He claims as a right that a reasonable time be allowed to citizens of the United States to withdraw their property from the blockaded ports, when it cannot plainly be made evident that the exercise of that right would operate to the injury of the belligerent.

The undersigned needs scarcely to remark to Admirals Inglefield and Lainé, that when a powerful neutral is called upon to suffer sacrifices of property, in respecting the laws of blockade enforced by a weak belligerent, the most rigid compliance with the forms and spirit of the laws of nations, and respect for the rights of neutrals, are exacted, and not asked as purely matters of favor; and it may not be out of place to remark, also, that powerful belligerents but too often lose sight of the rights of neutrals in the paramount importance they attach to the rights of belligerents, in the accomplishment of their immediate objects, and thereby involve themselves in inconsistencies and occasion universal harm, by unsettling the equitable rules of action which all nations ought to unite in maintaining permanent and inviolable.

The undersigned cannot refrain from again referring to the course pursued by the British and French forces in regard to the blockade of this port, by Buenos Ayres, in January and April last, even at the risk of not having the analogy perceived between that course and the present question. It will be seen that England and France claimed, on those occasions, rights and immunities for their neutral countrymen which they are far from according to neutrals at the present; and it must strike every one, from the tone of the language held by the English and French, that those rights and immunities were not asked as purely matters of favor from the Buenos Ayrean squadron; and if the governments of Great Britain and France have approved the conduct of their commanders on those occasions, they cannot consistently approve the present course. The undersigned, without reference to the various questions then under discussion, appreciated, at the time, the motives which influenced the English and French commanders to save their countrymen from unnecessary injuries and losses, and he will again repeat that the same motives animate him now to shield, if possible, the neutral citizens of the United States from

similar harm. He has found, however, that respectful remonstrance and friendly argument have proved unavailing; and he has therefore no recourse left him but to protest, and he accordingly does solemnly protest, against the course of Admirals Inglefield and Lainé, in having closed the port of Maldonado after only *three days'* notice of the actual blockade of that place, by which the neutral citizens of the United States have been prevented from taking their property from said port, and by which unnecessary losses and injuries have been occasioned to the said neutral citizens of the United States.

With reference to the concluding paragraph of the joint letter of Admirals Inglefield and Lainé, calling the attention of the undersigned "to the fact, that on the 1st of August last her Britannic Majesty's chargé d'affaires, the consul of France, and the undersigned, intimated to the foreign consuls and the officers commanding foreign naval squadrons at Monte Video that all the ports in the possession of General Oribe would be blockaded by the French and English forces," the undersigned would remark that no validity can attach to the intimation of an intention to blockade, but only to the actual blockade whilst duly enforced; and he cannot, therefore, admit that the citizens of the United States were bound to make any disposition of their business, or sacrifice of their interests, based upon the intimation of an intention to blockade, which in the progress of events might not have been carried into effect.

The undersigned avails himself of this occasion to renew to Admirals Inglefield and Lainé the assurances of his high consideration.

G. J. PENDERGRAST.

Rear Admirals INGLEFIELD and LAINE,
*Commanders-in-chief of the British and
 French naval forces, Rio de La Plata.*

[Translation.]

AFRICAINNE, *Roads of Monte Video, October 17, 1845.*

MONSIEUR COMMANDANT: I received, yesterday, the letter which you did me the honor to address me, the 10th October, on the subject of the declaration of the blockade of the province of Buenos Ayres by the Anglo French naval forces.

I received, also, the same day, your letter which followed the despatch to which I replied on the 5th instant, in concert with Admiral Inglefield.

Receive, I pray you, Monsieur Commandant, the assurance of my high consideration.

LAINE,
*The Rear Admiral Commanding-in-chief
 the station of Brazil and La Plata.*

Monsieur PENDERGRAST,
Commanding the United States corvette Boston, Monte Video.

HER BRITANNIC MAJESTY'S SHIP "VERNON,"
Off Monte Video, October 17, 1845.

SIR: I have to acknowledge the receipt of your letter of the 10th instant, relative to the blockade of the province of Buenos Ayres by the

French and English squadrons; also of your letter of the 11th instant, in return to the joint note of Rear Admirals Lainé and myself, dated the 5th instant, on the subject of the blockade of the Buceo and Maldonado.

I have the honor to be, sir, your most obedient servant,

S. H. INGLEFIELD,

Rear Admiral and Commander-in-chief.

Commander PENDERGRAST,

United States ship Boston.

UNITED STATES SHIP BOSTON,

Monte Video, October 15, 1845.

The undersigned, commander of the United States ship Boston, has the honor to inform Admirals Inglefield and Lainé that it has been represented to him by citizens of the United States who have property in Buenos Ayres, that they find it impossible, notwithstanding all the exertions in their power, to remove it within the thirty days allowed for that purpose. It is well known that the despatch and shipment of property at Buenos Ayres is very dilatory even in fine weather, and, otherwise, entirely out of the question; and it has so happened that during a great portion of the time since the establishment of the blockade the weather has been very rough and unsettled.

The undersigned begs leave to place this subject before Admirals Inglefield and Lainé, with a request that the time may be extended fifteen or twenty days further.

The undersigned has the honor to renew to Admirals Inglefield and Lainé the assurances of his high consideration.

G. J. PENDERGRAST.

To Rear Admirals INGLEFIELD and LAINE,

Commanders-in-chief of the British and

French naval forces, Rio de La Plata.

H. B. M. SHIP "VERNON,"

Off Monte Video, October 20, 1845.

SIR: I have the honor to acquaint you, in reply to your letter of the 15th instant, that an extension of the period allowed to neutrals for leaving the port of Buenos Ayres had already been granted to the 31st instant, inclusive, in accordance with the wishes of the mediating ministers.

I am, sir, your most obedient servant,

S. H. INGLEFIELD,

Rear Admiral and Commander-in-chief.

To Commander PENDERGRAST,

United States ship "Boston."

[Translation.]

AFRICAINNE, MONTE VIDEO, *October 18, 1845.*

The rear admiral commanding the French station in La Plata has the honor to inform Mr. the commandant of the United States corvette Boston, that the delay granted to merchant vessels to leave Buenos Ayres has been extended to the 31st October, inclusive.

The undersigned presents to Commander Pendergrast the assurances of his distinguished consideration.

LAINE.

Mr. Commander PENDERGRAST,
&c., &c., &c.

NAVY DEPARTMENT, *February 15, 1846.*

COMMANDER: The department has had under consideration your explanation of your course in relation to the blockade of the port of Monte Video by the Argentine squadron.

Your explanation makes very clear what the department did not doubt for a moment—that you acted throughout that affair with intentions and purposes entirely patriotic.

The department takes great pleasure in conveying to you its high appreciation of the diligence, zeal, and sound judgment with which you watched over the rights and the interests of American citizens in the region of the La Plata, when threatened or assailed by the action of the naval forces of France and England. The whole series of interpositions made by you to this end, as set forth in your correspondence transmitted by Commodore Turner, is distinguished for the clearness and force with which you vindicated the neutral rights of our citizens in the presence of the blockading powers.

In conclusion, I congratulate you on the successful termination of your cruise, and wish you all happiness in returning to your country and your friends.

Very respectfully,

GEORGE BANCROFT.

Commander G. J. PENDERGRAST,
U. S. Navy.

WASHINGTON, *April 4, 1846.*

SIR: I have had the honor to receive your letter of the 15th February, in reply to mine of the 12th September last, and I beg leave respectfully to say that, whilst I feel no ordinary pleasure at the gratifying terms in which the department has been pleased to notice my correspondence with the British and French admirals in the Rio de La Plata, I regret to find that I am still left in my former position with regard to my conduct in not having permitted the strict blockade declared by Buenos Ayres against Monte Video to be enforced against American vessels alone.

I must have failed in my endeavor to explain clearly the circumstances under which I acted in this matter, for it is evident from your letter of

27th May last that the department has misunderstood my statement of the case, and has not decided the point upon which I depend for its approval.

That point is, whether I ought to have suffered the blockade to be enforced against our vessels alone, at the time when the vessels of other nations were coming freely into port, and departing, without question. If I ought to have suffered such a wrong from any power on earth, I deserve the disapprobation of my conduct; but if I was right in resisting such an outrage on our commerce, I claim the approval of my judgment as well as of my motives.

I therefore respectfully request a reconsideration of the subject, and, relying with perfect confidence on the judgment of my government, I anticipate a favorable decision of a point of great interest to myself, and of equal interest to the service at large, as a guide to commanders under similar circumstances.

I have the honor to be, very respectfully, sir, your obedient servant,
G. J. PENDERGRAST,
Late Commander U. S. ship Boston.

HON. GEORGE BANCROFT,
Secretary of the Navy.

NAVY DEPARTMENT, April 14, 1846.

SIR: The department reluctantly reverts to past transactions requiring no further action. Your conduct in the Rio de La Plata meets its approbation for the patriotism you displayed. Grave considerations forbid the reversal of its judgment on the affairs to which you allude.

A commander of a European squadron in American seas, by force of arms, interfered with a belligerent right of an independent American state, holding friendly relations with the United States. The act of the French admiral was an illegal act, and of no validity. The wrong done by the French, as a neutral, could not be a fit example for you. A reclamation of free or qualified commerce from the Argentine republic, as a friendly power, was for you a more fit proceeding than to claim the freedom by force of arms. By the latter course, the force under your command virtually co-operated with the French as effectually as though it had acted in concert with the French. Mr. Brent's proposal to have in the first instance peacefully claimed our rights of the Argentine republic, still appears to have been a judicious one. The American force cannot too carefully avoid even the remotest appearance of co-operating with a European power in its improper interference with American affairs. This cannot be too distinctly asserted for the guidance of American officers.

Apart from the view of the subject connected with a violation of the law of nations by a superior European force in conflict with an independent American state, it is further to be remarked that the United States are justly scrupulous of countenancing infringements on the rights of the weaker maritime powers. The doctrine that the beseiging power must be strong enough not only to resist its enemy, but to overpower neutrals, cannot be admitted, inasmuch as it would confine the right of blockade to those nations only which have a decided preponderance on the ocean.

The department is fully sensible of the judgment, inquiry, and reflection

Respectfully, yours,

GEO. BANCROFT.

Washington.

